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NATIONAL REVIEW

Against the congressional push for a race-based government in Hawaii

THE EDITORS

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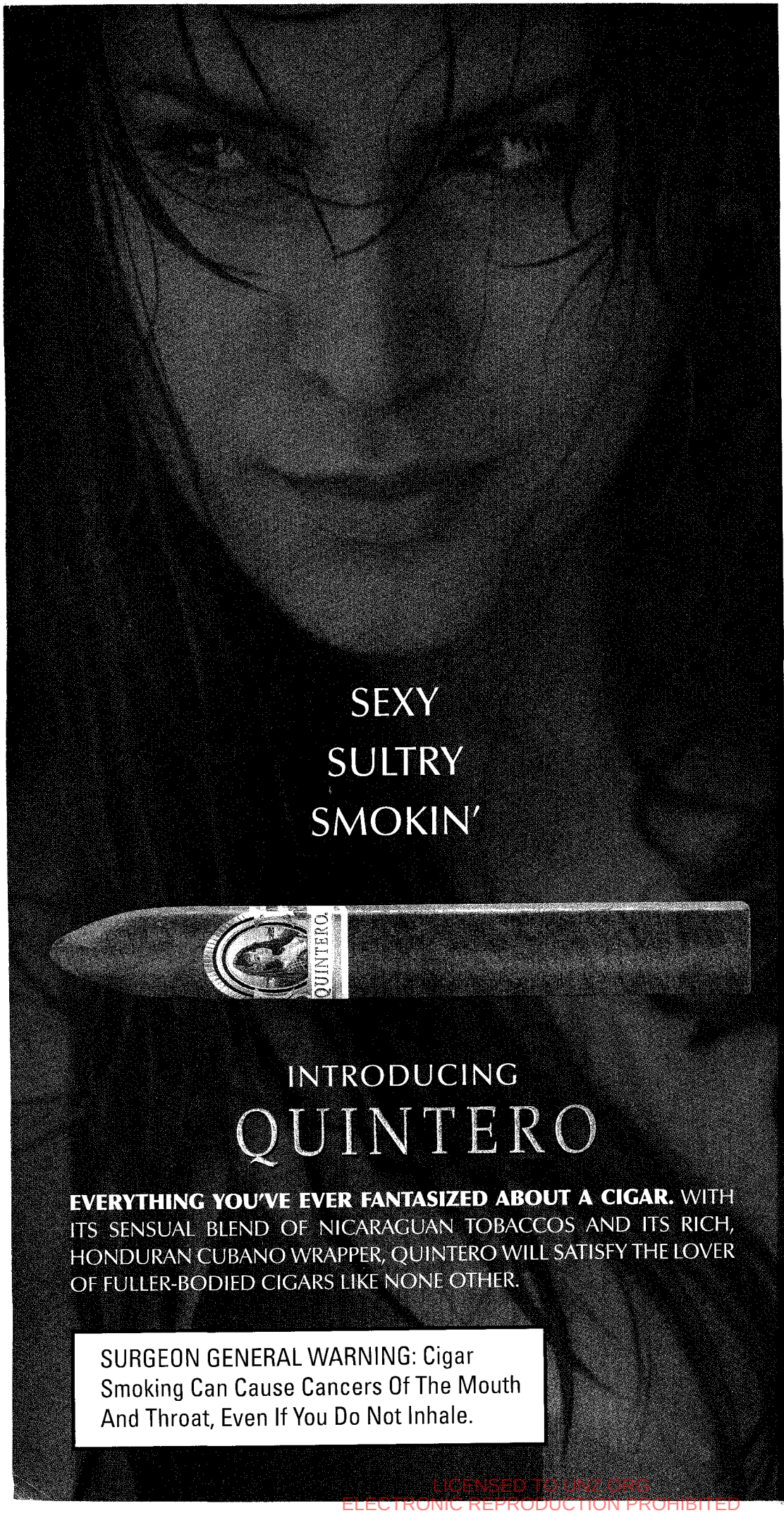
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JUNE 19, 2006 VOL. LVIII, NO. 11

NATIONAL REVIEW

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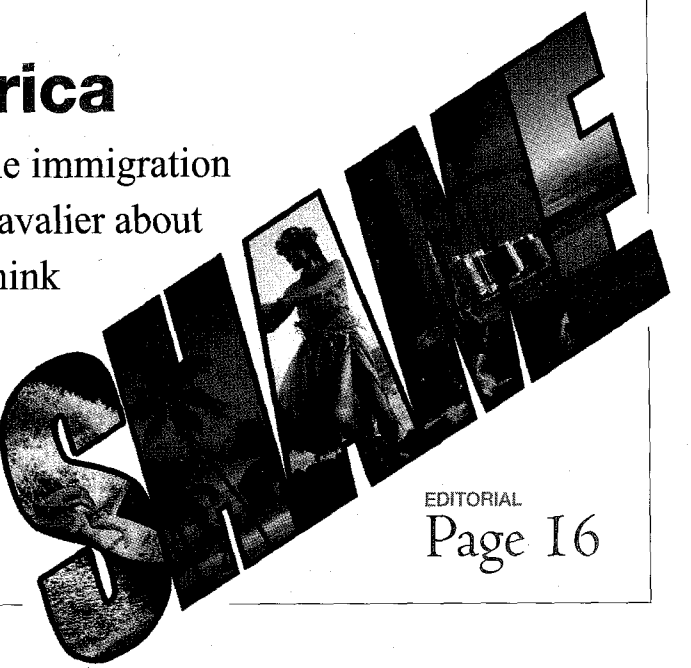
■ ON THE COVER

Deconstructing America

You might have thought, after watching the immigration debate, that the Senate could not be more cavalier about the unity and sovereignty of the nation. Think again: The Senate is about to vote to pave the way for secession by racial separatists in Hawaii. A bill to create a race-based government there is on the verge of passing. *The Editors*



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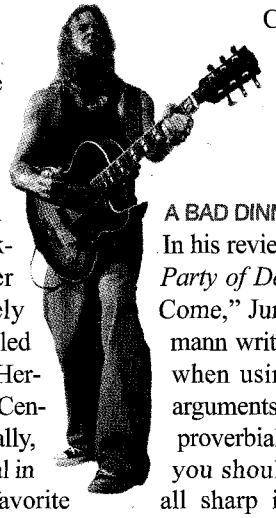
ROCK 'N' ROLL IS DEAD

John J. Miller failed to make the case for conservative rock 'n' roll ("Rockin' the Right," June 5). If the naive bubblegum of The Beach Boys' "Wouldn't It be Nice," the finger-gesture defiance of Lynyrd Skynyrd's "Sweet Home Alabama," and the Stones' truly demonic "Sympathy for the Devil" count as conservative, then Madonna's "Like a Virgin" ought to be the number-one conservative song on that list. Based on these three songs, I am going to assume that the whole list proves only that rock 'n' roll is not and never was conservative.

Richard Tarbell
Seattle, Wash.

LONG LIVE ROCK 'N' ROLL



I must admit that I thought the idea of compiling the 50 greatest conservative rock songs was cheesy at first. All that changed when I read the article: It was an excellent, fascinating list. I had expected "Taxman" to be number one, but Mr. Miller persuasively made the case for "Won't Get Fooled Again." The real surprises were "Heroes" by David Bowie and "20th Century Man" by The Kinks. Ironically, when I was a bleeding-heart liberal in college, these were two of my favorite songs. Perhaps the seeds of conservatism were subliminally planted by David Bowie and Ray Davies. Who would have thought?

Michael Heckenberger
Hampton, Va.

EASY ANSWERS

Jason Lee Steorts, in "Scare of the Century" (June 5), notes that the documented fact of an overall thickening of the Greenland and Antarctic ice caps has been used as proof of global warming—more water evaporates as a result of increased ocean temperatures near the ice caps, and therefore more snow is deposited. But what if, hypothetically, these ice sheets were instead becoming thinner? Well, needless to say, this would also be proof positive for global-warming alarmists: After all, ice melts when you crank up the heat. The real question is: What would *not* be proof of global warming? The old non-falsifiable hypothesis strikes again.

J. Wroblewski
Vancouver, B.C.

A SWAP

NR frets in The Week (May 22) that if the Republican party does not oppose Bush's immigration policy, then he will "drag it to destruction." Might I suggest an elegant solution for Republicans? Since Mexico's president, Vicente Fox, does not want the illegal immigrants in question living in his country, and George W. Bush *does* want them in his, perhaps Congress could work out a temporary trade of presidents.

Tony Veiga
Via e-mail

A BAD DINNER DATE

In his review of Ramesh Ponnuru's *Party of Death* ("The Change Will Come," June 5), Michael M. Uhlmann writes tongue-in-cheek that, when using Ponnuru's effective arguments against abortion at the proverbial "uptown dinner party," you should first make sure that all sharp implements have been removed from the table. But why? If anything, I say welcome the knives and forks. If the truth prompts liberals at the table to rash behavior, then you have a license to make them pay for their excesses—thereby turning the unpleasantries of the evening into a true learning experience for one and all.

Peter Skurkiss
Stow, Ohio

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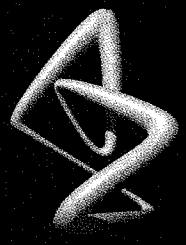

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THE WEEK

■ Just when John Kerry had the French vote wrapped up—Al Gore had to go and do Cannes.

■ Haditha is an insurgent stronghold 150 miles west of Baghdad. We will be hearing far more about it in the coming weeks, as we learn how 24 Iraqi civilians, including women and children, were killed there during a Marine patrol on the morning of November 19. "This is going to be an ugly story," warns Rep. John Kline (R., Minn.), a former Marine who has been briefed by military officials on the preliminary findings of the Pentagon's criminal investigations of the incident. There are allegations of a cover-up by the Marines directly involved, and two of their commanders have been relieved of duty. Another former Marine, Sen. John Warner (R., Va.), who plans to hold hearings on the incident, urges no rush to judgment before investigations are completed. But the media's favorite former Marine has been in a rush to smear the military's senior leadership. According to the *New York Times*, Rep. Jack Murtha (D., Pa.) "said efforts to repress the story might go 'right up the chain of command, right up to General Pace,' referring to Gen. Peter Pace, chairman of the Joint Chiefs of Staff." It is bad enough that the Marine Corps's well-earned reputation for disciplined professionalism and selfless bravery will be tarnished if a few active-duty Marines committed terrible acts as alleged. It is worse when their own veterans recklessly provide ammunition for their enemies.

■ We all know that liberals are sophisticates who understand the complex nature of reality, while conservatives see the world in absolutes. That's why *An Inconvenient Truth*, the global-warming documentary based on Al Gore's public lectures, shows the former vice president standing before a cartoon graphic of a scale with the earth on one side and a pile of gold bars on the other. You wouldn't trade our only planet for filthy lucre, would you? The film is nuanced throughout: It adduces the disappearing Kilimanjaro glacier as evidence that man is destroying the planet, even though that glacier was melting long before greenhouse-gas emissions could have caused global warming; it frightens us with news about melting Greenland ice without acknowledging that this phenomenon can be explained largely by natural climate variation; it exhorts us to ratify Kyoto without any discussion of how large its impact on warming would be (the answer: minuscule); and it makes no mention of the spectacular economic costs associated with significant CO2 reductions. Oh, yes, the Left is nuanced.

■ The conventional wisdom was that President Bush wouldn't be able to get someone of stature to take the post of Treasury secretary whenever John Snow's much-rumored departure finally happened. But Bush defied the skeptics and landed Henry Paulson, the widely respected chairman of Goldman Sachs.

Genghis Khan, rockin' out *(see page 14)*

ROMAN GENN

Paulson is a conservative with instant credibility on Wall Street, and he lends the Bush economic team the gravitas it has lacked until now. An effective Treasury secretary is listened to, either in Washington or on Wall Street—or, ideally, both. Bush's first Treasury secretary, Paul O'Neill, was an irrelevance. Snow had the best of intentions, but as a former CEO of a railroad he wasn't well known on Wall Street and was undercut in Washington by White House leaks against him. Treasury has been a much-diminished department in the Bush years. The White House would be well advised to allow it to regain some of its heft and have a stronger voice in policy formulation, especially now that it has a sterling new secretary.

■ Senate minority leader Harry Reid criticized an amendment to the Senate's immigration bill that would make English the national language. "While the intent may not be there, I really believe this amendment is racist," Reid said. Let us translate his remarks from Senatish, a language spoken by many fewer people than English or Spanish, though they are disproportionately powerful. Senator Reid really really disliked the amendment to the bill. Since racism is the most evil form of group interaction, a dislikable effort to favor one group, however defined and for whatever reason, and disfavor others, must be racist. Q.E.D. Senator Reid has been deservedly hammered for his smear. Equally deserving of hammering are senators who tacked a toothless symbolic language amendment onto a bill that would allow millions of lawbreakers to stay here, and encourage

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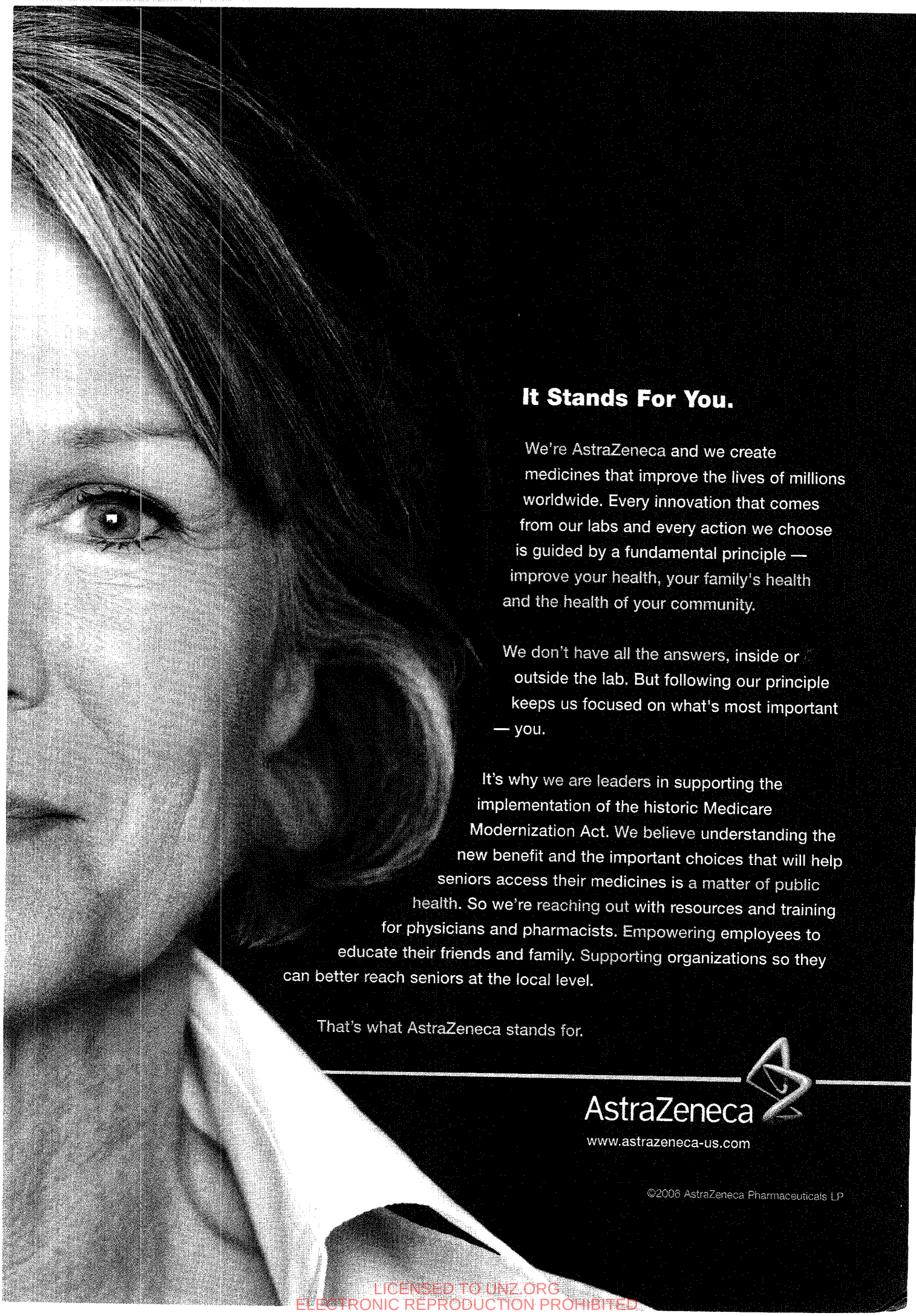

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THE WEEK...

millions more to come, the law-abiding (of all races and linguistic groups) be damned.

■ Democratic campaign lore holds that John Kerry lost his 2004 bid because he failed to refute decisively the charges launched by Swift Boat Veterans for Truth. The conviction that the Vietnam veteran was the victim of outrageous smears has introduced a new verb and adjective into the political lexicon. In warning that he will be attacked unfairly, Ohio's Democratic gubernatorial candidate declares, "They're going to try to 'swift boat' Ted Strickland." In a fundraising letter, Sen. Hillary Clinton accuses Republicans of using "their 'swift boat' tactics," and John Kerry is alarmed about "swift boat-style attacks against Democratic candidates." With a group of Kerry supporters reportedly now compiling a dossier they claim will expose the swift-boat veterans as liars, it will be "Christmas in Cambodia" again as the battle is rejoined. But the class of people in danger of being "swift boated" is pretty small. Don't slander tens of thousands of your fellow veterans by calling them war criminals, and you won't face their righteous anger.

■ The *Washington Post* editorializes that "there is a danger in" the convictions of former Enron executives Kenneth Lay and Jeffrey Skilling. Impressionable people might be led to believe that the corporate-accounting scandals were the work of a "few bad apples," and that "putting those apples in jail" is a sufficient solution. The problems were more systemic than that, the *Post* argues, noting that 250 companies had to restate their earnings in 2002. The Sarbanes-Oxley law was therefore necessary. The difficulty with this argument is that the market, and prosecutors, were on the case before new regulations were enacted. The existing system—capitalism plus laws against fraud—included at least partial solutions to the problems it generated. If additional systemic reforms were necessary, they did not have to take the form of added regulations. Cutting the dividend tax helped to make accounting fraud less likely by encouraging corporations to pay out their profits. Sarbanes-Oxley, on the other hand, has had much more mixed results. Every month a new study documents the large deadweight losses it has imposed on the economy. To leap from the scandals to Sarbanes-Oxley was an expensive non sequitur.

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■ Rupert Murdoch, owner of Fox, the *New York Post*, and a jillion other media properties, will hold a fundraiser for a senator from New York. She is not Chuck Schumer. Senator Clinton, when asked about the do, called Murdoch "my constituent," and said she was "gratified" that he thought she was "doing a good job." A Murdoch exec, chime-like, called his boss "a constituent" of Senator Clinton who wanted "to demonstrate his support for the work she has done on behalf of the state." Public spirit is indeed the fertilizer of good works. So what else is going on? Murdoch's nostrils may sniff a winner. Mrs. Clinton, who has pursued power through every trial, may scent a helper. George, Mitt, John, Rudy, and all other elephants beware. The Supreme Court, they say, follows the election returns. Murdoch anticipates them.

■ If anyone wonders why many conservatives recoil in disgust from the current Congress, look no further than Kentucky Republican Harold Rogers. As the head of the House appropriations subcommittee for homeland security, he has been a bully for pork-barrel spending and special-interest handouts. When lawmakers decided to implement a new national ID card for transportation workers, Rogers muddled up the process by trying to squeeze in favors for his home district and some of his favorite corporations. Most egregiously, he tried to assign a multi-million-dollar no-bid contract to a company that had donated $18,000 to his political operation and flown him and his wife to California, Hawaii, and Ireland on junkets totaling around $75,000 in value. If the Republican majority ends this year, its demise will owe much to the likes of Hal Rogers.

■ House Republicans passed a $2.8 trillion budget that does little to rein in spending and even less to reform entitlements. As Brian Riedl of the Heritage Foundation said, "This is a status quo budget, and the status quo continues to disappoint." Discretionary spending, which does not include costs associated with the Iraq War, will rise by 3.5 percent. It also appears that some defense programs aren't fully funded, so that these too may be boosted as part of an "emergency" appropriations process. If only every emergency were so predictable. A more serious budget would have tried to control the spiraling costs of Medicare and Medicaid. That's what an excellent proposal by the Republican Study Committee, a group of House conservatives, would have done. But it attracted only 94 votes, meaning that the limited-government caucus doesn't even enjoy a majority within the GOP.

■ Hollywood director Rob Reiner has united California's forces of compassion behind a June 6 ballot initiative seeking to create

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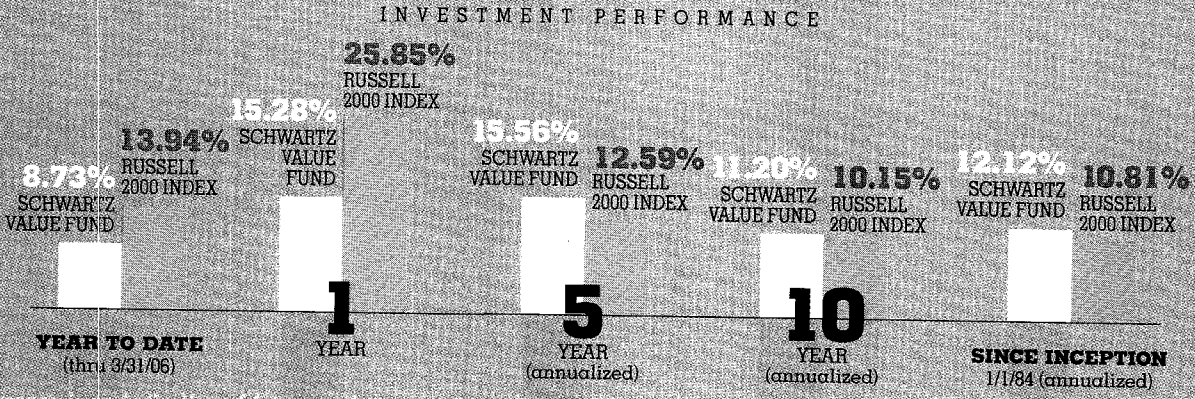

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a state universal-preschool program. Proposition 82 proposes that California provide free preschool for any four-year-old whose parents request it. This generosity is expected to cost over $2 billion per year, to be funded by an income-tax hike on individuals making over $400,000 annually. Around 65 percent of California's four-year-olds already attend preschool, and the new program would boost that number by only 10 or 15 percent, at best. A study by an independent consulting firm shows that around 75 percent of the universal-preschool budget would go to families who would send their children to preschool without the program's assistance. Almost 25 percent of it would subsidize families making over $100,000 per year, while only 8.4 percent would be spent on high-risk children who otherwise wouldn't attend preschool. In short, Proposition 82 would provide a universal service that the vast majority of affected Californians already can—and already do—provide for themselves.

■ New Orleans mayor Ray Nagin won reelection in a narrow victory against Louisiana lieutenant governor Mitch Landrieu. Nagin, who is black, took only 6 percent of the white vote in the election's first round in April, but boosted that share to a life-saving 20 percent in the runoff, in part because of the endorsement of Republican Rob Couhig, who preferred him, after Couhig's own candidacy fell short, to Landrieu, scion of a liberal Democratic Louisiana dynasty. So much for politics with a small "p." In the larger view, New Orleans residents must face the fact that a man who was so unequal to the challenge of Hurricane Katrina was in the field at all, instead of being headed for an obscure and unregretted retirement. Many showed a deficit of what Alexander Hamilton called "energy in the executive" during and after Katrina; Nagin was first in the line of fire, and his brash showmanship proved to be empty showboating. His resilience is a rebuke to republican government.

PARAMOUNT CLASSICS

Same Ol' Gore

In case you haven't heard, there's a "new Al Gore" in town. *Time* magazine's Ana Marie Cox dubs him a "rock star." Frank Rich, *The New Republic*, the *Washington Post*, *The American Prospect*, and the rest of the liberal media establishment have similarly prostrated themselves before the new Al Gore. The Gore boomlet coincides, unsurprisingly, with the release of his new film, *An Inconvenient Truth*, which countless liberals have hailed as the *Silent Spring* of global warming.

Arianna Huffington, whose gifts for prostration are legendary, penned a dispatch from Cannes, where Gore was promoting his movie. Amid her gushing, she reported that Gore told her that this was his second trip to Cannes. "The first," he said, "was when I was fifteen years old and came here for the summer to study the existentialists—Sartre, Camus . . . We were not allowed to speak anything but French!" "Which," surmised Huffington, "may explain his pitch-perfect French accent."

In a column for the *L.A. Times*, I expressed my skepticism about all of the above. There is no new Al Gore; the only thing that is new, I explained, is the Democrats' sudden pre-buyer's remorse over Hillary Clinton—whose implausible sprint to the center strikes too many liberals as plausible. Gore, meanwhile, has everything liberals want in a president. He may not be an official victimized minority—say, a black hermaphrodite—but he was "robbed" of the presidency by George W. Bush, so he counts as a victim. Moreover, he's screamed a lot about how evil President Bush is, endorsed Howard Dean, and revived his global-warming Jeremiah act (which he kept under wraps in 2000). This has caused liberals to herd themselves into one of the greatest examples of wishful-groupthink in recent memory.

In that column, I called attention to the fact that Gore's recollection of whiling away his summer in France ribbiting about Camus runs counter to the facts as presented in several reputable biographies of Gore (which also report that Gore received mediocre grades in French throughout high school). He was supposed to be clearing a hillside with an axe and a plow when he was 15, not debating *No Exit* in French. Was not this the same serial exaggerator who claimed to be the inspiration of *Love Story*, and to have invented the Internet?

The liberal blogs exploded in outrage. The mouth-breathing zealots of the Democratic Underground launched an e-mail jihad against me. One writer at *The American Prospect* fumed that I had "smeared" Gore. The Center for American Progress played shoot-the-messenger, sarcastically promising to get to the bottom of this if I first agreed to provide a "comprehensive list of everything [I] ever did during the summer from age 6 through the age of 17." Again and again the defensive chorus raged: This is a trivial attack on a great man. Who cares what he did as a teenager?

I don't, really. But proving that the new savior of the Democratic party—and the planet!—is the same man he's always been strikes me as a perfectly legitimate point. And presumably a man who says that global warming "could bring the end of civilization" and that those who deny it are akin to Holocaust deniers should be vetted for his history of exaggerating. Indeed, Gregg Easterbrook, a liberal science writer, notes in *Slate* that "the picture [*An Inconvenient Truth*] paints is always worst-case scenario." There's a word for picking the worst-case scenario. It begins with "E."

Another intrepid liberal at the *Prospect* contacted Gore's operation and received supposed proof that my skepticism was unfounded: "Mr. Goldberg's insinuation is simply incorrect. Mr. Gore did indeed spend an educational week in Cannes during the summer when he was fifteen. That summer he also spent a great deal of time working on the family farm." From spending a summer studying existentialists . . . to an "educational week" visiting Cannes.

But none dare call it exaggerating.

—JONAH GOLDBERG

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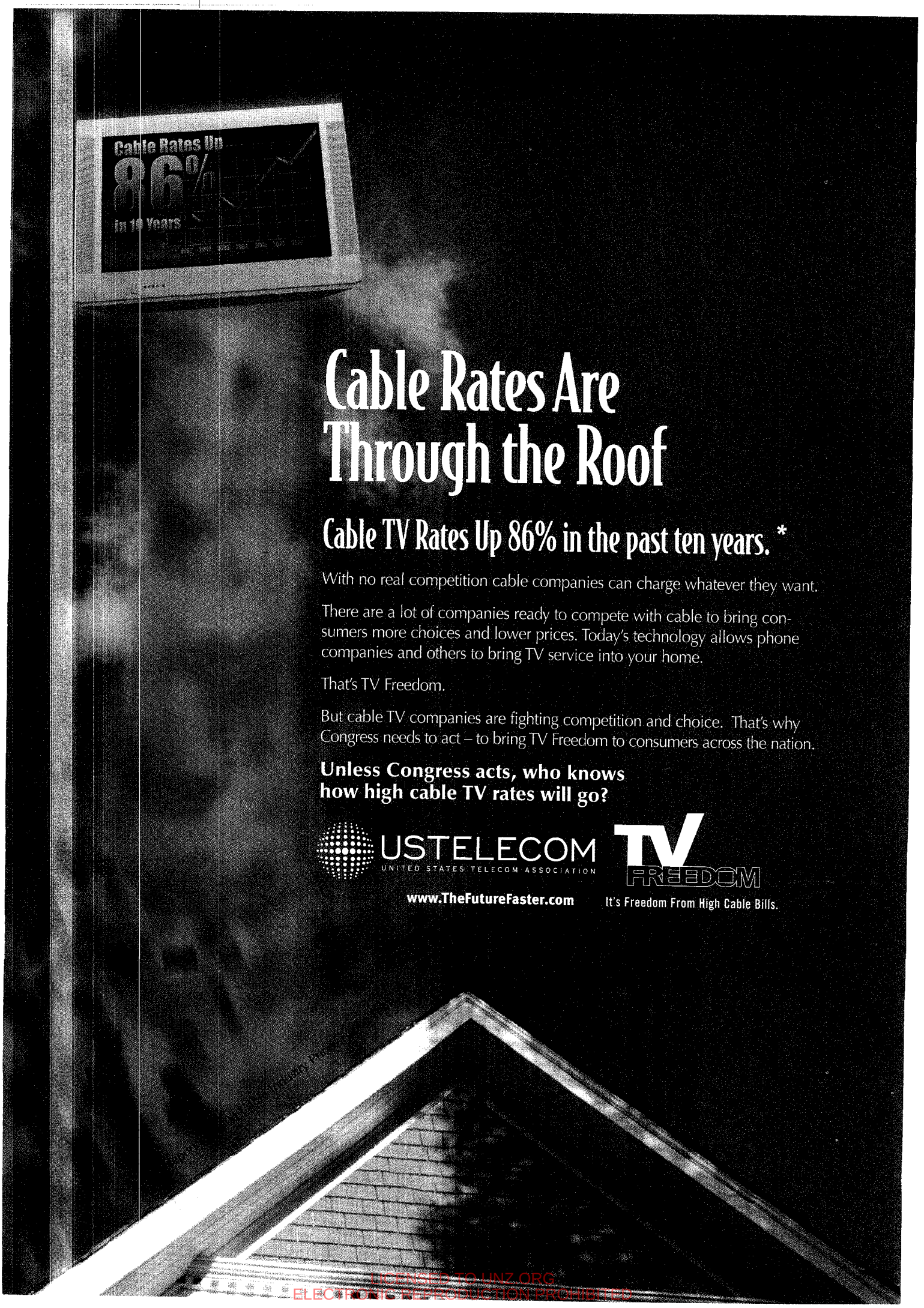

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THE WEEK...

■ John McCain went to the New School in New York City's Greenwich Village to deliver a commencement address about the importance of civil debate and respecting the deeply held beliefs of others. Students turned their backs on him, shouted abuse, and booed all through his talk. In these tattooed and pierced young leftists, McCain couldn't have found an audience more in need of his message, or less likely to heed it.

■ University of Colorado professor Ward Churchill, who became a national figure after likening 9/11 victims to Nazis, has been slapped with a damning 125-page investigative report, commissioned by the university in response to allegations of academic misconduct. One of the five investigators recommended that Churchill be fired, while the four others called for a lengthy suspension. Churchill has alleged that he is the victim of a witch hunt—that the investigation is essentially a pretext for administrators to sack him for his controversial statements. The report, however, does not focus on Churchill's public pontifications. Rather, it documents his record of plagiarism, fabrication, and other forms of academic dishonesty. It notes in Churchill's work a "pattern of failure to understand the difference between scholarship and polemic." It also highlights a "consistent research stratagem to cloak extreme, unsupportable, propaganda-like claims of fact that support Professor Churchill's legal and political claims with the aura of authentic scholarly research." Professors are within their rights to be controversial, but not fraudulent. And Churchill is a fraud.

■ The U.S. has announced its willingness to hold direct talks with Iran on its nuclear program if Iran first suspends uranium enrichment and reprocessing. We lose more than we gain by taking this new tack. If Iran agrees to cease enrichment (which it probably won't), then its building of a bomb will have been delayed. And the U.S., by making the offer, has proved willing to go the extra mile to avoid using force. But it has also distracted attention from the only question that matters—Will Iran renounce forever its nuclear ambitions?—to the intermediate question of whether uranium is currently being enriched. It has diffused whatever Western resolve existed, most significantly because further negotiations would postpone indefinitely the targeted sanctions that the Bush administration and its allies have discussed. At best, the offer would return to the state of affairs one year ago, when European talks had extracted no concessions and succeeded only in giving the impression that the West wasn't serious about confronting the mullahs. Everything since the Islamic Revolution of 1979 suggests that those mullahs are not rational state actors and cannot be negotiated with. If the Bush administration's seeming adoption of the EU-3 strategy is in fact prelude to and diplomatic cover for a decisive confrontation, fine. Otherwise, we have made a mistake.

■ Almost every week sees a new protest against the Iranian regime. Unfortunately, most of these protests escape the West's notice, but some are large enough to capture headlines. So it was when Reuters reported that up to 2,000 stone-throwing students clashed with Tehran's police. They are angry with the treatment liberal academics have received since Mahmoud Ahmadinejad assumed the Iranian presidency. According to one of the student leaders, politically active students have been expelled, while liberal professors have faced severer repercussions, including arrest. The protests are one more sign of the degree to which Iran's rulers have alienated Iran's people. No one can predict with certainty how close Iran is to a democratic revolution, but it behooves the U.S. to give all the rhetorical and material support it can to the democrats.

■ If there is a hell, Moammar Qaddafi has reserved a retirement home in its tropics. If his decades of iron-fisted rule and his imprisoning of political opponents didn't do it, then his sponsorship of the terrorist bombing of Pan Am Flight 103 in 1988 surely did. It is understandable, then, that some are upset about America's restoration of diplomatic ties with Libya. But the thaw in relations doesn't reflect a whitewash of Qaddafi's past. It is, rather, a response to his decision to dismantle Libya's nuclear-weapons program, which he feared would provoke an American attack in the wake of Saddam Hussein's downfall. Bush's foreign policy has rightly been designed to prove that there are penalties for seeking weapons of mass destruction and benefits for renouncing them. Normalizing ties with Libya is a necessary part of that strategy.

■ Whoever believes that the children are our future—that we should teach them well and let them lead the way—ought to take a trip to Saudi Arabia. In 2004 a Saudi royal study group found that the school curriculum "encourages violence toward others." You know, all that talk about how the Jews are apes and the Christians swine. And how the families of murdered Christians and women should receive less "blood money" to compensate them for their losses than the families of murdered Muslim men (whose lives are more valuable). And test questions like: "Fill in the blanks with the appropriate words (Islam, hellfire): Every religion other than _____ is false. Whoever dies outside of Islam enters _____." Luckily, the Saudi government is on the case, and they've been telling the world that all the objectionable material has been removed. Only, the material cited above is from the current curriculum, according to a new study by Freedom House. Ever since September 11 it's been difficult

UNEASY DEMOCRATS

Like inevitable Louis
After Bonaparte's demise,
Mrs. Clinton doesn't try the
Nomination on for size;
She's pre-fitted, pre-anointed,
And prepared to kidney-punch
(Someone break the news to Edwards),
With assists from honeybunch.

—W. H. VON DREELE

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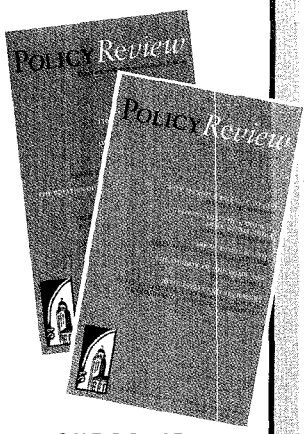

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In the new issue of *Policy Review*

The Shadow of the Bomb, 2006

Keeping nukes away from bad actors

[W]e have to ask: Is it possible for the United States and its friends to agree on criteria for diplomatic initiatives to head off crises like the one we now face in North Korea and the one looming with Iran? And if the diplomatic initiatives fail in North Korea and Iran, and perhaps elsewhere in the future, will we be able to agree on criteria appropriate for imposing sanctions and, perhaps, eventually for initiating forceful actions against those who insist on moving ahead toward acquiring nuclear capabilities and are behaving aggressively? The experience at the United Nations leading up to the invasion of Iraq shows how difficult that challenge will be. A serious effort to come to such agreements will have to start by restoring and strengthening the international consensus against nuclear proliferation and defining clear responsibilities and authority for action by the UN Security Council.

—Sidney D. Drell

Are Doctors Biased?

The factors underlying disparities in treatment

Ultimately, improvement in the quality of care and self-care would elevate the status of minority health appreciably. But the greater public-health good would be served by applying these goals to all underserved people rather than focusing on minorities. By focusing on those with the worst health, the targets of intervention will still turn out to be poor minority groups but will include lower-class whites as well. For example, establishing screening (for cancer, diabetes, or hypertension) or wellness education programs in benighted areas such as southeast Washington, D.C., or the Watts neighborhood of Los Angeles would benefit all residents and shrink overall racial differentials in health outcome.

—Sally Satel and Jonathan Klick

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The Week...

to discern Saudi Arabia's commitment to the War on Terror; this report hasn't made it any easier.

■ Colombian president Álvaro Uribe won a richly deserved second term on May 28, capturing 62 percent of the vote in a three-way contest. On the fundamental question of whether Colombians are better off today than they were four years go, the answer is a resounding yes. Violence has receded substantially; rebel groups are disarming or are severely weakened. Uribe now wants to move ahead with tax reform and the ratification of a trade agreement with the United States. On this latter goal, Congress should oblige Uribe. Not only will the deal serve U.S. economic interests by expanding export and investment opportunities, it will also help Colombia develop as a regional counterbalance to Venezuela's Hugo Chávez. The United States could use more friends in South America; we should do everything possible to help out the best one we already have.

■ Pandemic Studios of Los Angeles is a maker of video games. Its latest advertised offering, to be released next year, is based on the premise that: "A power-hungry tyrant messes with Venezuela's oil supply, sparking an invasion that turns the country into a war zone." Sounds like fun, and who could object to a little fun? Hugo Chávez, that's who, and his cheering section in that country's parliament. Sputtered Chávezite lawmaker Luis Tascón: "The United States has an impressive media machine. In that machinery the gringos are always the heroes and their adversaries are always the villains." How disgraceful of us! Meanwhile Venezuela has been staging large-scale military maneuvers, with landing craft carrying out a mock invasion. Who the heroes and villains in this non-virtual war game are supposed to be, the Venezuelans do not tell us, though given the ongoing bad blood between Washington and Caracas, one cannot but suspect that gringos feature in the scenario somewhere.

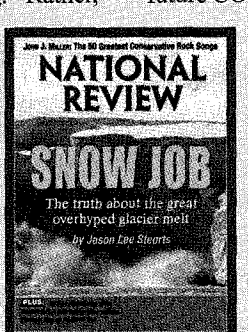
■ A headline over an AP story was priceless: "EU Trying to Reconnect with Europeans." Yes, that would be good, wouldn't it?

■ George Galloway, a member of the British parliament, accuses Tony Blair of ordering the deaths of thousands of innocent Iraqis, going on to say that it would be "morally justified" if a suicide bomber killed the prime minister. Even in the worst of times, there has been nothing like a death threat in the House of

Global Warming, Cont.

Paul Krugman needs a course in remedial reading. That's the conclusion to be drawn from his *New York Times* column calling my article "Scare of the Century" (June 5) part of a "disinformation campaign" about climate change.

Krugman writes that, "as evidence that global warming isn't really happening," I offer "the fact that some Antarctic ice sheets are getting thicker." I did indeed note the thickening of Antarctic ice—about which, more in a moment—but I never claimed "that global warming isn't really happening." Rather, I said that "global average temperature has risen by about 1 degree Celsius or less since the late 1800s." No serious person on either side of the global-warming debate questions this. Nor do serious commentators doubt that human activity, by increasing atmospheric CO2 concentrations, contributes to global warming. My article acknowledged all of these points.



Krugman notes that Curt Davis—whose study of Antarctic ice I cited—says that "an initial increase in the thickness of Antarctica's interior ice sheets is a predicted consequence of a warming planet," and that his results consequently "support global warming rather than refuting it." But Krugman didn't bother to tell anyone that my article noted this. Warmer water around Antarctica's coasts, I wrote, has likely caused "more surface evaporation, making for higher humidity and more precipitation" in the continent's interior. Of course, the fact that warmer temperatures are causing greater snowfall proves neither that this phenomenon is harmful nor that human activity is the primary cause of it. I offered a variety of reasons to think that 1) the ice caps aren't melting fast enough to produce a threatening rise in sea levels and 2) the melt we are seeing can be explained largely as a result of natural climate variation. Krugman offers no response to any of this.

Equally baseless criticisms have come from the web publication Think Progress, which accused me of "distorting evidence" and "mislead[ing my] readers," and published a "debunk" of my piece that was nothing of the sort. The inanities therein are too extensive to describe in this space, but here's a taste. Think Progress cited conclusions based on climate models that make unrealistic assumptions about the extent of future CO2 emissions; it noted scientific agreement that human activity contributes to global warming as though I'd denied this, when I'd actually said that there is disagreement about the extent of the human contribution; it chided me for referring to a study of interior Greenland's ice buildup because this study didn't look at coastal ice loss, even though I'd specifically mentioned the coastal loss and said simply that one should look at the whole picture; and, most embarrassingly, it replied to my discussion of Greenland's temperature history by citing records of average global temperature. (When talking about Greenland, it is generally useful to talk about Greenland.)

In light of all this, it would be easy to accuse Paul Krugman and Think Progress of "distorting evidence," "misleading readers," and engaging in a "disinformation campaign." I decline to return their favor. But I will permit myself the modest suggestion that, in the future, they strive to have the slightest idea what they are talking about.

—Jason Lee Steorts

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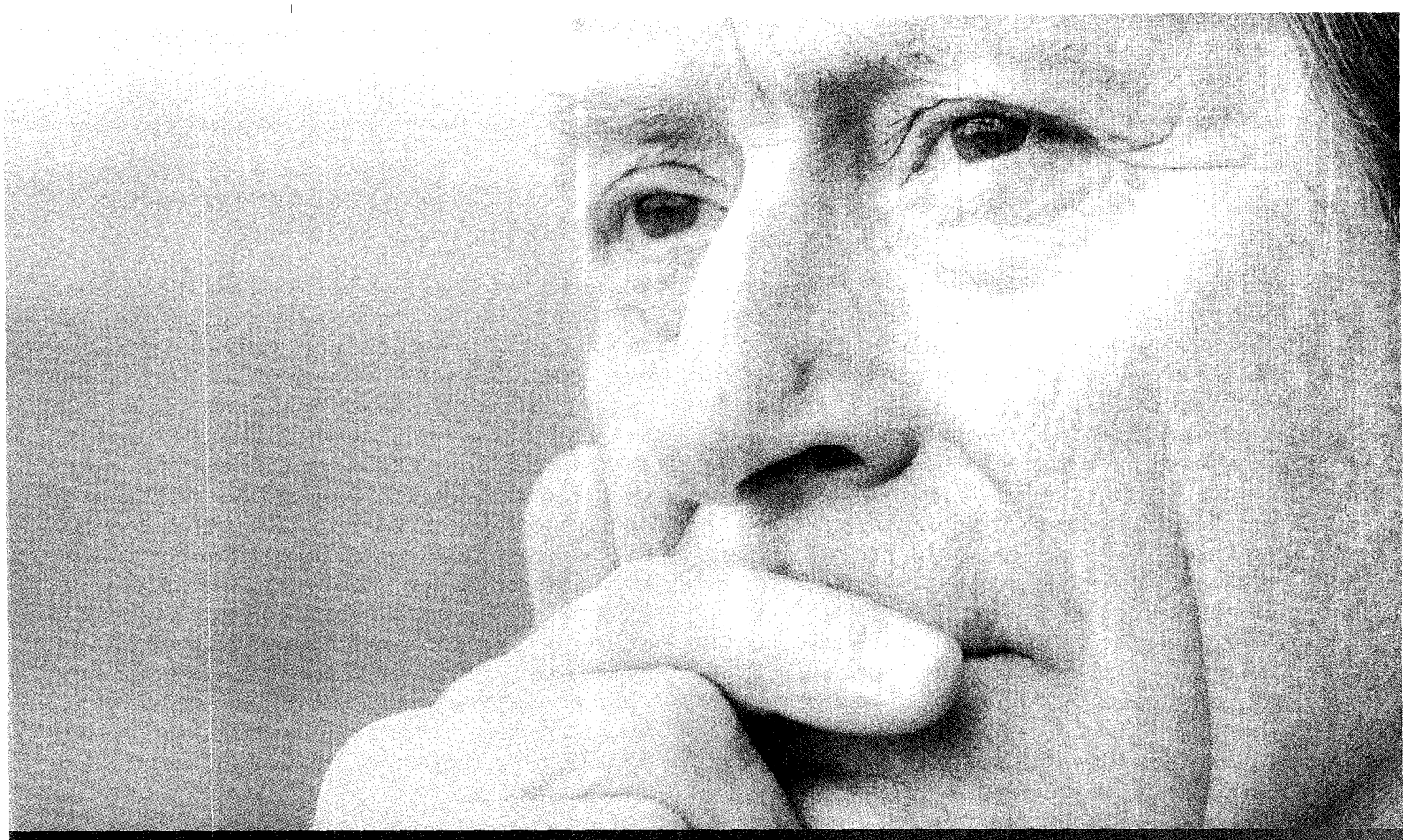

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THE WEEK...

Commons. But Galloway belongs to the hard Left, and therefore has the mindset and the manners of a commissar willing and able to issue death warrants. He greatly deplores the collapse of the Soviet Union, still his favorite dictatorship. Notoriety came when, in the old days, he visited Saddam Hussein, heaping praise on that bloody dictator. It is generally thought that Saddam paid for this fawning, but so far the courts have been unable to prove it. Hatred of his fellow man and love of police states seem to come naturally to Galloway. Where was he when he talked of Blair's murder? Why, in Cuba, where he appeared on television with Castro, defending *that* bloody dictator as a "lion" in a world inhabited by "monkeys." The two men then lovingly embraced. With the examples of both Saddam and Blair in mind, however, Castro might be forgiven for wondering whether Galloway was bringing him the kiss of death.

■ Only one person has been named an honorary citizen of Paris since Picasso. Do you know who it is? Why, none other than that towering figure of our time, that standard-bearer of truth and justice in a corrupt age, that glorious symbol of resistance to the cruel tyranny of AmeriKKKa, that author, poet, and media star Mumia Abu-Jamal. Mr. Abu-Jamal, you may recall, was sentenced to death in 1982 for the murder of Philadelphia police officer Daniel Faulkner. Abu-Jamal shot Faulkner five times (the first time in the back) in front of four eyewitnesses. If you don't think that is major-league heroism, you must not be a member of the international Left. The honorary citizenship came in 2003. Now the City of Lights has celebrated our hero yet again. In an April 29 ceremony, a street in the Paris suburb of St. Denis, leading off Human Rights Square and just a stone's throw from Nelson Mandela Stadium, was named Rue Mumia Abu-Jamal. The great man himself, ever gracious, favored the assembled worshippers with a recorded speech. In the light of recent events in Paris, you might think Parisians would shy at heaping honors on a cop-killer; but as a Frenchman once said: *Les imbéciles ont toujours été exploités*.

■ Imagine that you are one of that small number of super-duper-celebrities whose careers and personal lives are followed obsessively by millions—a Jennifer, a Katie, a Tom, or a Brad. How to gratify your lust for power? Well, you could take up residence in one of the world's poorest nations, illuminating its shanties and deserts with the light of your glamour. This will bring publicity to that nation, and tourists. Then, leveraging these benefits, you might easily persuade the nation's government to grant your every whim. So it was when movie stars Angelina Jolie and Brad Pitt chose the dirt-poor African nation of Namibia as the birthplace of their first child. Vexed by intrusive journalists and photographers, the celebrity couple snapped their fingers, and the Namibian government promptly expelled one South African and three French photographers, and announced a general ban on foreign journalists not approved by the star couple. Explained the Namibian prime minister when human-rights groups protested: "This lady is expecting. You guys are harassing her. Why don't you allow her some privacy? Harassment is not allowed in Namibia." The merely rich have servants and lackeys at their beck and call—celebrities of the Brad and Angelina magnitude have governments.

■ Ulan Bator, capital of Mongolia, now numbers among its many other attractions a rock opera about Genghis Khan, the great medieval conqueror. This is no mere pillage-and-rapine stage epic, though. The show's lyricist, whose name is Dojpalem Ganzorig, says that he wants to show the old marauder in a human, sympathetic light. "He was a good husband, a good son, and a good friend," says Mr. Ganzorig. Given recent results from genetic research showing that 16 million males alive today are in direct patrilineal descent from G.K., making him about 800,000 times more reproductively successful than the average late-12th-century male, there are sound reasons to doubt the old boy's marital virtues. Still, the Mongolians have been good eggs in the War on Terror, so it would be churlish to gainsay their promotion of a national hero. In any case, the producers of this rock opera show a properly conservative respect for Mongolia's musical culture. Mixed in with the electric guitars are traditional elements like throat-singing and the horse-head fiddle. Where can we get tickets?

■ There is pop music; there is bad pop music; there is truly dire, terrible pop music; and then there is Euro-pop. Unembarrassed by the syrupy, sentimental crooning of such continental heroes as Johnny Hallyday and Caroline Müller, or perhaps just blithely unaware of their sheer staggering awfulness, the Europeans parade their lack of musical talent for all to see in the annual Eurovision Song Contest, a veritable Olympic Games of vocal vapidity. This year the kitschfest was won for the first time by Finland, represented by the rock group Lordi. This gave newspapers the unprecedented opportunity to print the phrase: "Finns celebrated on the streets of Helsinki." Lordi is also the first "monster group" to win the coveted prize. They dress up as orcs and their prize-winning lyrics go: "Wings on my back, I got horns on my head. My fangs are sharp and my eyes are red." Perhaps it sounds better in Finnish.

■ Taylor Hicks won the latest round of *American Idol*, and if you don't know that, you are in a tiny minority, probably visually challenged and without electricity. The Fox network show is an odd phenomenon, a computer virus in the universal network of celebrity culture. As did Caesar, celebrities bestride the narrow world like colossi. This at a time when their abilities as actors, singers, or whatever is shrunken. Is Britney Spears even as good a performer as Madonna once was? On *American Idol*, the helots—that is, we—rise up and show that we are as good as our lords and masters. It is a bogus revolt, since the uprising is staged by a giant media corporation, and shepherded by establishment gatekeepers, including the sinister Simon Cowell. Can't anyone just read a book?

■ Developing countries often complain about the "theft" of their cultural artifacts by archaeologists and collectors in the United States and Europe. (Greece and Italy occasionally file their own grievances.) But perhaps it makes more sense to view the museums of the West as safety-deposit boxes for nations that can't protect their own heritage. Witness the recent pilfering of the treasure

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of King Croesus, who ruled in western Asia Minor more than 2,500 years ago, from a small museum in Turkey. Previously the Lydian Hoard, as the collection is known, had been securely housed at the Metropolitan Museum of Art in New York, where untold numbers of people were able to admire it. But after a long legal battle, the Met surrendered the hoard to Turkey in 1993. It's hard to know what is more pathetic: the fact that the Turkish government has detained the local museum director as a suspect, or the fact that fewer than 800 people have visited these artifacts since 1999. The missing collection is not merely a piece of Turkey's exclusive inheritance, but a part of our common human legacy. It should be in the hands of people who can look after it with care and competence.

■ London's Tate Modern gallery, always at the cutting edge of the art world, has done a major "rehang" involving 400 items, many of them new acquisitions. Among these latter is Martin Creed's *Work No. 401*. Mr. Creed is a brilliant star in the world of avant-garde art, having won the prestigious Turner Prize in 2001 for his masterpiece *The Lights Going On and Off*, which consisted of a room empty except for two lights that were, yes, going on and off. With *Work No. 401* Creed has branched out in an exciting new direction. The piece is a nine-minute recording, played repeatedly on a loop, of Mr. Creed making flatulent sounds into a microphone. It can be heard throughout Tate Modern's new Material Gestures wing, which also contains works by Claude Monet and Mark Rothko. Just how Mr. Creed generated the sounds is unclear. The *New York Post* seems to think they are perfectly authentic, though the London *Times* refers to "blowing raspberries," which is Brit-speak for a simulation done with the mouth. For all we can tell, Mr. Creed may have employed his armpit in the process, schoolboy-style. Let's look for a silver lining here: London gallery patrons who are themselves afflicted with flatulence now have a place where they can let down their guard.

■ The anti-Americanism of many Americans advanced into new territory last week with an attempt by the Michigan Department of Education to ban the use of "America" and "Americans" as synonyms for these United States and their inhabitants. The style protocol for something called the Michigan Education Assessment Program insists that the word "America" may be applied only to the entire Western Hemisphere. To use it in reference to us and our nation is—can you guess what it is in edu-babble?—"inappropriate." The worthy people of Toronto, Tegucigalpa, and Tierra del Fuego might take umbrage, with plagues of frogs and boils surely following as their outraged cries are heard in heaven. Plainly there are some details to be worked out here. The songs "America the Beautiful" and "God Bless America" will have to be dropped from school choir repertoires in the Wolverine State, unless students are to be told that they address the whole hemisphere. And since no adjective can be formed from "United States," how should we now refer to the American Revolution? How, come to think of it, under this new dispensation, do you say "anti-American"?

■ The Anglican Church marches steadily forward from its origins as an elegantly anglicized variant of the great Catholic tradition. The most recent advance has been a declaration by the Rt. Rev. Richard Harries, the Bishop of Oxford, that a careful reading of the Bible reveals Scriptural support for homosexual unions. Concerning those unions, His Grace remarked in an interview with the *Sunday Telegraph* that: "They are congruous with the deepest Biblical truths about faithfulness and stability." All this is in the context of a different bishop's making waves on a pastoral visit to Kenya, when the African media noted his membership in the group Changing Attitude, whose website declares it to be "Working for gay, lesbian, bisexual and transgender affirmation within the Anglican communion." Third World Anglicanism now seems set fair to split from Canterbury over the issue of homosexuality. Here in the First World, while some conservative congregations keep up a valiant rearguard fight for traditional morality, the battle is all but lost. Solzhenitsyn's famous observation that "nations are the wealth of mankind, they are its generalized personalities" applies to churches, too, and you don't need to be an Anglican to regret the degrading of an old and beautiful Christian tradition.

■ Barbaro, the glorious thoroughbred who won the Kentucky Derby, lost his Triple Crown hopes, and very nearly his life, when he broke down in the Preakness. Medics managed to repair his leg sufficiently that he can stand, walk, and, most important, perform the duties of a stud. If he were not a Derby winner, he would have been put down on the track, as many thoroughbreds are every year. Racehorses are bred for lightness of bone, to increase their speed. Over time, they have become more fragile, and more prone to accidents. Advocates of animal rights will point to this as another baleful human intervention in the natural world. The logical endpoint of this criticism, however, is that we should have nothing to do with animals at all: no hunting, meat-eating, leather, or fur, for sure, but also no domestication, whether of horses, dairy cows, or pets. Since man denatures all he touches, we must withdraw from the natural world, and let its beautiful (and murderous) denizens breed, live, kill, and die by themselves, in preserves. The price of this secularized Buddhism would be to pen *homo sapiens* in a shrunken world.

■ Barry Bonds has piled up amazing numbers in a game that worships them. Seven MVP awards. Seventy-three homers in a season. Two hundred thirty-two walks in one season, 62 more than Ruth's highest total. And on and on. Now he has added the number 715, surpassing Babe Ruth's iconic career homerun total of 714 and leaving only Hank Aaron ahead of him with 755. All these numbers would be cause for wonderment and celebration if it weren't for some others. At age 35, Bonds began hitting a homerun every 8.3 at-bats, roughly doubling his career rate. Given that most players are in decline by age 35, this surge seems explicable only by the steroid use that is alleged in the new book *Game of Shadows*. Everyone assumes it is true, and Major League Baseball has launched an investigation. If it is, many of Bonds's numbers—including 715—become meaningless, a testament to hubris and low character rather than prodigious talent.

■ If it hadn't been for Peter Viereck, there still would have been conservatives—but we might have gone by a different name. That's because Viereck's 1949 book, *Conservatism Revisited*, is often recognized as having popularized this label. Yet Viereck never really joined the movement he helped name. In the 1950s,

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he opposed the presidential ambitions of Robert A. Taft, supported those of Adlai Stevenson, and found not even a glimmer of good intentions in the anti-Communism of Joe McCarthy. He was also wary of capitalism and believed the New Deal was worth preserving. Almost inevitably, Viereck became a favorite "conservative" of liberal elites—a man who could always be counted on to criticize his supposed comrades, in a role played today by the likes of Kevin Phillips. Viereck eventually withdrew from politics, preferring to teach quietly at Mt. Holyoke College and write his poetry, for which he won a Pulitzer Prize. He died on May 13, at the age of 89. R.I.P.

THE NATION

Deconstructing America

You might have thought, after watching the immigration debate, that the Senate could not be more cavalier about the unity and sovereignty of the nation. Think again: The Senate is about to vote to pave the way for secession by racial separatists in Hawaii. A bill to create a race-based government there is on the verge of passing.

The bill of Sen. Daniel Akaka, a Hawaii Democrat, would create a separate government for "native" Hawaiians, membership in which group would most likely be determined by bloodlines. And this new government would be able to conduct sovereign-to-sovereign relations with the United States. No one knows what the final form of the native government would be, since there never was a "native" Hawaiian government, since the bill's proponents are undecided on the definition of native Hawaiian, and since all the details are to be worked out at a later date, after the 400,000 "native" Hawaiians dispersed throughout the Union have had a chance to weigh in. It is not even clear that the Bill of Rights would apply to, or be enforceable against, the new entity.

Some Republicans believe that they can turn Hawaii into a red state by supporting this bill. They are deeply mistaken. Two-thirds of all Hawaiians oppose the bill in polls. An underwhelming 56 percent of "native" Hawaiians support it. If Congress passes this bill, it will be imposing racial separatism on a state that does not want it. (Even if the bill were popular in Hawaii, it would not help the Republicans. If it passes, it will pass with more Democratic than Republican votes.)

The U.S. Civil Rights Commission has come out against the bill, reasoning that the country does not need more programs that hand out benefits based on race. But most Democrats are supporting their colleague Akaka's pet project—especially since Hawaii's other Democratic senator, Daniel Inouye, backs Akaka and is a powerful appropriator.

Alaska's two Republican senators, Ted Stevens and Lisa Murkowski, are co-sponsoring Akaka's bill as part of a partnership between the states' politicians. (Hawaii's senators voted to drill in ANWR.) Norm Coleman of Minnesota, Lindsey Graham of South Carolina, and Gordon Smith of Oregon are supporting the bill for unfathomable reasons of their own. Many other Republicans are on the fence.

The Bush administration, which so far has sat this fight out, should weigh in forcefully against this bill. (An equivocal statement would be worse than useless.) Likely Republican presidential candidates Bill Frist, George Allen, Sam Brownback, and John McCain should realize that conservatives are going to pay attention to how they vote.

The Senate should reject this bill utterly, by refusing to take it up for a vote. If it does take it up, we hope that opponents—notably Sens. Jon Kyl, Lamar Alexander, and John Cornyn, who have led the fight against this travesty—will put supporters on the spot with a series of amendments that outlaw the use of racial classifications by the new entity, require it to comply with the Bill of Rights, and so on.

Senate passage of the bill would only embolden fringe groups seeking similar recognition or compensation to redouble their efforts. It would simultaneously drive a permanent wedge into Hawaiian society. Even so, the greatest victim of the Akaka bill would not be non-native Hawaiians, or those opposed to all race-based programs. It would be the core assumption that every American belongs to a single, indivisible society.

IMMIGRATION

Temporary Madness

The Senate isn't serious about enforcing the nation's immigration laws. It is bad enough that the bill that 39 Democrats and 23 Republicans just voted to pass provides an amnesty to illegal immigrants already here. There might be an argument for doing that if there were any evidence of a commitment to enforce the immigration laws in the future. But the bill actually prohibits local police from enforcing civil violations of immigration laws—which in practice, given the byzantine rules distinguishing between civil and criminal violations, would get local police out of the enforcement business altogether. No serious effort is being made to make the bureaucracy capable of the new enforcement tasks that would be asked of it, such as performing background checks on the illegal population.

The bill forbids the federal government to use any information included in an application for amnesty in national-security or criminal investigations. Any federal agent who did use that information would be fined $10,000—which is five times more than an illegal alien would have to pay to get the amnesty. The Senate, on a tie vote, defeated Texas Republican John Cornyn's attempt to rectify these provisions.

When Sen. Johnny Isakson (R., Ga.) offered an amendment to require that enforcement be proven to have succeeded before the amnesty or guest-worker provisions could take effect, he was voted down, 55–40. For most senators, enforcement is just boob bait for the voters. They are not willing to demand it before getting what they, for various reasons, really want: an amnesty and a massive increase in legal immigration.

Alabama Republican Jeff Sessions wanted to deny illegal immigrants the earned income tax credit. It is one thing to

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legalize them, went the argument, and another to subsidize them. He, too, was voted down, with Senator McCain flippantly suggesting that the amendment was akin to requiring illegals to ride in the back of the bus. (No, senator: They're in the front of the line, at least for legal residency in the U.S.)

The "temporary" guest workers would be eligible for citizenship. If they overstayed their welcome, there would be no guarantee they would be deported—especially when Congress would have signaled, by passing this bill, its view that deportation is draconian. So these "temporary" workers would permanently change America. Robert Rector of the Heritage Foundation estimates that the bill would make for an inflow of 66 million immigrants over the next 20 years. Since much of this inflow would consist of poor and relatively uneducated people, one result would be, he says, the largest expansion of the welfare state in 35 years. (And he's not accounting for the likely effects of these people's votes.) Another very likely result would be the increased balkanization of America, as this massive inflow slowed both economic and cultural assimilation.

If supporters of the Senate bill were serious about securing the border, they would have considered following a strategy of attrition—of stepping up enforcement of the immigration laws so as to shrink the illegal-immigrant population over time—and, if they ultimately rejected that strategy, explained why. Implicit in their arguments for amnesty and a guest-worker program is one possible objection to the attrition strategy: that the American economy needs more cheap, unskilled labor. Proponents of mass immigration boast that immigration brings a net benefit of $10 billion to the American economy. But this amount is, in the context of our $13 trillion economy, trivial. Reduced immigration would lead to some increased outsourcing, some substitution of machines for labor, some increased wages, and some higher prices. The economy would survive.

So will Republicans, if they reject this bill (as most Senate Republicans did). They are being told that they need to pass a bill, even if they dislike many of its provisions, to be seen as "doing something" about the border. But the voters who care the most about this issue know that the Senate bill does something they heartily detest. They know that the only way to get any enforcement of our immigration laws—at the border or the workplace—is to keep all of the interests that want increased immigration from getting what they want until enforcement is achieved. The Senate should stand down in favor of the House's enforcement-first approach, not the other way around. But it would be much better to enact no bill than to enact the Senate bill.

THE LAW

Poor Judgment

In the controversy over the FBI's search of the Capitol Hill office of Rep. William Jefferson, imprudent action has led to hysterical reaction. Congressional leaders—including Speaker Denny Hastert, majority leader John Boehner, minority leader Nancy Pelosi, and Judiciary Committee chairman James Sensenbrenner—charged that the FBI had violated the Constitution.

The legal merits are on the FBI's side. The investigation of Jefferson, a Louisiana Democrat, has been going on for more than a year. Two people (one a former Jefferson aide) have already pled guilty to bribing him. Meanwhile, one of Jefferson's staffers told the FBI that his boss had been maintaining documentary evidence relevant to the corruption investigation in his congressional office. As the Justice Department explained to the judge when requesting permission to search the office, prosecutors tried to obtain the evidence by other legal avenues, including by grand-jury subpoena, but were frustrated by Jefferson's obstinacy.

So the choice may have been either to seek judicial permission to search the office, or to let Jefferson, a public servant, get away with using the public's office space to obstruct the public's investigation of his violation of the public's trust. The investigators decided to seek the warrant. A federal district judge authorized the search, following well-settled law that required him to find: a) that there was probable cause of a crime, b) that there was probable cause to believe the evidence was located in the office, and c) that the warrant set forth a particularized description of what could be seized, so that the search would focus on the alleged crime and not become a fishing expedition.

The Justice Department created some safeguards out of respect for Congress. The search was, for example, conducted by independent teams, uninvolved in the corruption investigation, who carefully reviewed all seized items to make sure that materials having nothing to do with the alleged crimes were either left alone or quickly returned to the House of Representatives. Still, Justice could have done more. It could have told Hastert about the raid before camera crews showed up—especially given the fact that no previous corruption investigation in American history has involved a search of a congressional office. After the raid, Justice disgraced itself by leaking, falsely, that Hastert was himself the target of a corruption investigation. Congress is unlikely to trust an organization capable of doing that to show appropriate restraint in dealing with its papers.

The constitutional claim the congressmen raised cannot, however, be taken seriously. The Constitution's speech-and-debate clause guarantees only that legal proceedings against members of Congress, including criminal prosecutions, may not be premised on "any Speech or Debate in either House." The federal courts have long interpreted this protection as transcending commentary on the floor. It covers the entire "sphere of legislative activity," including such matters as committee reports, resolutions, the act of voting, and all things done by a member of Congress in relation to legislative business. It does not, however, cover non-legislative activities, such as taking bribes.

The president intervened, withholding the documents from prosecutors for 45 days while protocols are established. (Should litigation be required to settle the issue, the Jefferson case could be postponed for years.) The precedent of presidential involvement in an investigation of congressional corruption is not a happy one, but it may have been forced by the poor judgment shown all around.

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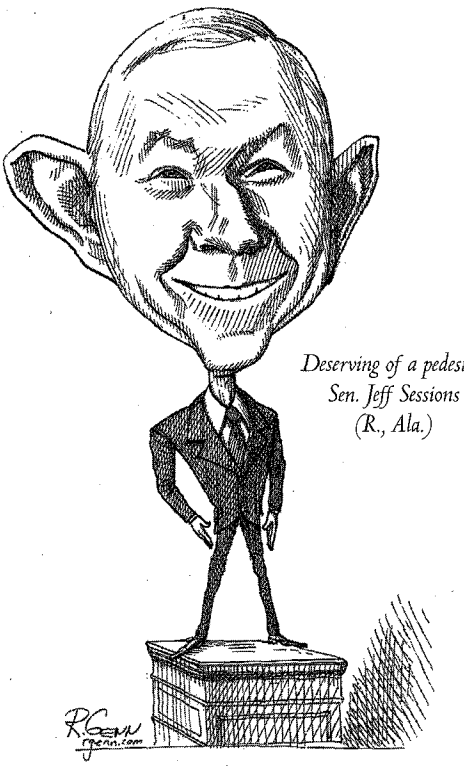

Deserving of a pedestal: Sen. Jeff Sessions (R., Ala.)

■ PUBLIC POLICY ■

Defeat This Monstrosity

What Hill conservatives can do on immigration

JOHN O'SULLIVAN

Now that the U.S. Senate has made a strong argument for unicameral government by passing the "comprehensive" immigration monstrosity, attention turns to the House. It has already passed a sensible "enforcement only" bill. It should stand firm on that legislation, at most making it an "enforcement first" bill by promising to consider some of the Senate's reasonable proposals in the next Congress, if any can be found. But the Bush-Democrat coalition has an almost mystical attachment to the Senate's guest-worker and amnesty provisions. It will be faithful unto death in fighting for them. And since the most likely such death is that of the Republican-controlled House, a major struggle is in prospect this summer. House Republicans should stand firm and refuse all compromise. Here's how:

1. Underline on every possible occasion that this is not a "bipartisan" moderate bill. It is an extremist "open borders" law being pushed by a coalition of George W. Bush and the Democrats. This Bush-Democrat coalition is a radical one; it is not moderate, and it is certainly not conservative. Majorities of Republicans in both chambers of Congress are strongly opposed to the bill. Only continued firm opposition by Republicans can prevent an amnesty, a guest-worker program, and many other costly absurdities from passing into law. Republicans should want to boast in the midterm-election campaign that only their strong opposition *did* prevent this monstrosity's passing into law.

2. Inform Beltway-centric Republicans that the mood of about 70 percent of Americans is sulfurous on this issue. As some Republican moderates like Chris Shays have discovered, this anger is not confined to the party's "base," as the condescending media commentary has it. It is spread across the political spectrum. Some who have voted Republican tell you, unprompted, that they will never vote GOP again. Many voters will go passionately to the polls this November to ensure the defeat of the bill's supporters. Republican strategists—there's an oxymoron for you—whose great anxiety is that the GOP's grassroots supporters will stay at home are raving optimists. It's that bad.

3. Point out the absurdity of the Bush-Democrat coalition's argument that voters want "something" done about immigration and will punish those who do "nothing." (The dimmer bulbs and the media seem to have been impressed by this.) What the voters want is border security and sanctions on employers who break the rules; what they oppose is rewarding law-breaking with an amnesty. The proposed comprehensive law is therefore very much worse than "nothing." The voters will punish those who support it and reward those who defeat it. Those lukewarm souls who pass it while saying it should be defeated they will spew out of their mouths. The Bush-Democrat argument—promoted by those Republican "strategists" again—amounts to saying that voters are too stupid to inquire into what the "something" called immigration reform actually contains. You wanna bet on that likelihood? Okay, strategist, make my day.

4. Think about why the Democrats don't seem to be suffering equally from the unpopularity of the Senate bill. They probably would be if the Republicans had been united in opposition and the Democrats were seen as its main promoters. But Bush and his GOP Senate allies, especially McCain, Martinez, and Hagel, have confused that picture—though perhaps not beyond repair. Besides, voters expect Democrats to favor this kind of legislation and the big government that goes with it. They may not like it, but they reasonably feel it does not amount to a betrayal. Finally, the Democrats may be prepared to take this risk in order to bring onto the electoral rolls the low-paid illegal immigrants who will be a massive net addition to their voters, recruits for the ethnic lobbies in the liberal-Democrat coalition, and fodder for the labor unions increasingly shunned by native-born Americans.

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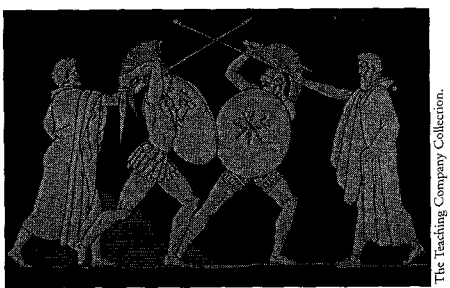

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From *The Iliad:* Hector and Ajax separated by the Heralds.

About Your Professor

Dr. Garrett G. Fagan is an Associate Professor in Classics and Ancient Mediterranean Studies and History at The Pennsylvania State University. A native of Dublin, Ireland, he received his Ph.D. in Roman Studies at McMaster University. Professor Fagan's main research interest is Roman social history. His articles have appeared in international journals, and he is the author of *Bathing in Public in the Roman World* (1999).

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5. Realize that a Republican party united around this policy will go down to a united defeat. A divided GOP will have mixed results: Those who oppose it clearly, loudly, and on principle are likely to win, ceteris paribus, against Democrats who go along with the party line. Memo to Republicans running against those Democrats who voted *against* the bill, notably Debbie Stabenow and Ben Nelson: Save your money and take a good vacation.

6. Pay attention to the advice from David Frum in his National Review Online diary: The House Republicans can save themselves by—and only by—coming out against the bill and the president in a front-page-news way: Refusing to go to conference on the bill. Standing united on the steps of the Capitol behind Dennis Hastert as they unanimously reject it. Signing a full-page *Washington Post* or *New York Times* advertisement shouting "Not In Our Name." Of course, they may be too loyal, noble, and courageous to do such things. In which case: Sayonara, kamikazes.

7. Develop a Plan B in case the comprehensive bill is successfully euthanized. As games go, this will afford many hours of malicious fun. For instance, House Republicans should wait till September, introduce a new version of the current House bill offering "enforcement only" reform, pass it, send it to the Senate, and watch liberal Republicans and Democrats alike squirm as they have to decide between principle and reelection. Would Bush veto such a bill in those circumstances? Perhaps. But why is that a problem? If he allowed it to pass into law, then the House Republicans would have a bill that was a great deal better than "something" to show the voters in November. If he vetoed it, he would dramatize the independence of the House Republicans and their closeness to their constituents on this issue.

8. Realize that the White House and its congressional lobbyists are very skilled at prizing allies out of opposition groups and neutering them. For instance, some of the most repellent and idiotic provisions in the comprehensive bill have been put in there for the precise purpose of taking them out again in response to the complaints of the House Republicans. It looks to me that Senator Specter's last-minute insertion of an amendment to make building a border defense conditional upon consultations with the Mexican government was just such a provision. The calculation is that when such provisions bite the dust, the House can claim to have reformed the bill and made it acceptable. But it will still be an amnesty-and-guest-worker bill, in other words spinach. Say to hell with it.

9. Similarly, beware of House conservatives bearing gifts—such as respectable "compromises" that might satisfy the White House, soften the Senate Republican minority, and "unite" the GOP. Anything that does the first two of these things will not be a compromise but a surrender. Mike Pence, the Indiana congressman, is a sound fellow in general but his proposed "compromise" is an utter absurdity. It is the Senate's same old comprehensive litany of guest-worker, amnesty, etc., with private-sector enforcement thrown in as a sop to the economic prejudices (which I share) of economic conservatives. As veteran econometrics writer Ed Rubenstein has shown, it could not possibly work. Private-sector employment agencies do not exist of the size and numbers that would be needed to process the tens of millions of immigrants, legal and illegal, that this legislation would admit to the U.S. If they did, their economic incentives would probably mean that they would pass over Mexican workers in favor of much cheaper Africans and Asians. Of course, the Mexicans would then move back into the illegal sector, and in time the Africans and Asians would follow them as regulation made them too pricey for employers and taxation made their legal jobs less financially attractive. In sum, it is probably a good thing that such a proposal is unworkable, since, if it could work, it would make matters much worse.

Ignore any 'compromise' proposals from congressmen who have recently traveled on Air Force One.

10. Ignore any "compromise" proposals from congressmen who have recently traveled on Air Force One.

11. Ask conservative and neoconservative writers who have strongly supported the Senate bill the following question: As the bill progresses, it acquires more and more provisions that should be detestable to all conservatives: the tax provisions that allow illegal immigrants a 40 percent exemption on back taxes that the IRS would grant no American; the Social Security changes that give illegals credit for payments made on false identities; the transformation of the guest-worker program so that "temporary" status becomes permanent residence in a few easy steps; the provisions that give guest workers protections that U.S. workers don't enjoy; and the outright lies about such "safeguards" as that illegals must learn English to "earn citizenship" and that even then they will go to the back of the line, behind legal applicants. Why then do you raise little or no protest over these effects of the legislation or over the wider socialization of the U.S. economy they would inevitably impose?

12. Regard hatchet jobs of the "mainstream media" on conservative opponents of the Bush-Democrat compromise as badges of honor. Conservative Washington should give a public dinner in honor of Sen. Jeff Sessions, an amiable, soft-spoken lawyer, following his attempted assassination by Dana Milbank in the *Washington Post*. The tender-hearted Milbank called Sessions a "country tough" with big ears who nastily impugned the motives of his opponents with "typical ferocity." How exactly? Well, he suggested that some Senate advocates of border reforms favor them only "as long as they don't really work." That apparently counts as sheer brutality in today's *Washington Post* newsroom. It must be a very charming place to work. Still, Milbank's piece did raise some disturbing questions, such as: Don't they have editors at the *Post* these days? And are good manners making a comeback?

13. When colleagues look like they're going wobbly, quote the ad George Bush ran (in Spanish only) in his Texas gubernatorial race that said, "Vote Bush—so what if he's not a Democrat?" Walk away saying "Hmm . . ."

14. Finally, show some backbone. You don't have to pass this bill. You don't have to go to conference. You can reject Kevorkian politics and the whole engine of party suicide. Well, what's stopping you? What are you? Thistledown? **NR**

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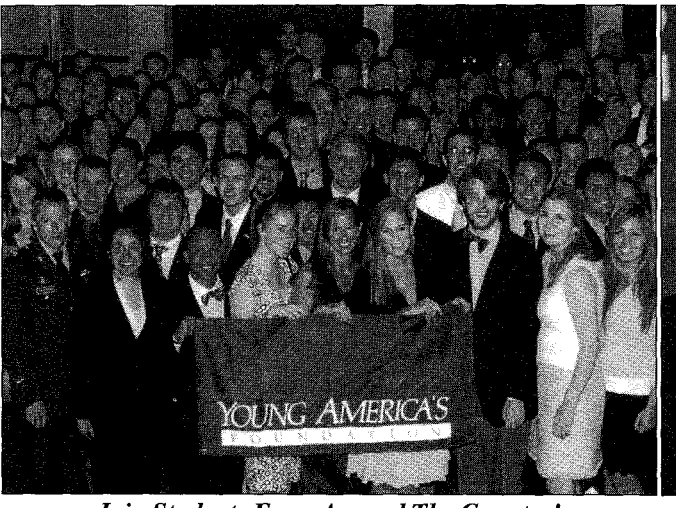

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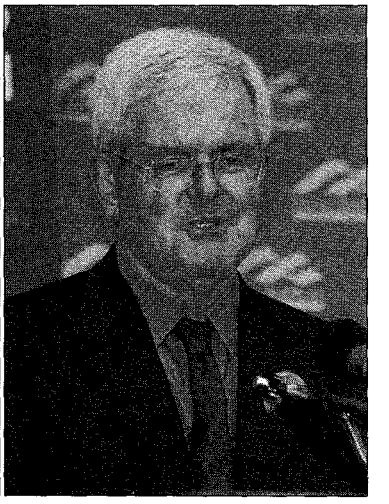

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■ PUBLIC POLICY II

Funny Business at Fannie Mae

How'd those Clintonites get so rich?

BYRON YORK

On May 23, as a jury in Houston deliberated the case against top Enron executives Kenneth Lay and Jeffrey Skilling, a little-known regulatory agency in Washington, the Office of Federal Housing Enterprise Oversight (OFHEO), released a study with the dryly bureaucratic title "Report of the Special Examination of Fannie Mae." The document received far less attention than the news from Enron, but its conclusions were stunning. In meticulous detail, it outlined a culture of corruption at the Federal National Mortgage Association—better known as Fannie Mae—that rivals the most serious corporate scandals in recent years. In this case, however, the main players are Washington insiders—some of them prominent veterans of the Clinton administration—and the scandal's effects could ripple through Congress for years.

Fannie Mae is the biggest single source of money for mortgages in the United States. From 1998 to 2004, the years covered by the OFHEO investigation, it was headed by former Clinton budget director Franklin Raines, whose top management team included former Clinton Justice Department official Jamie Gorelick, sometimes mentioned as a future attorney general in a Democratic administration. During that period, the report says, Raines and his team grossly overstated Fannie Mae's earnings—to the tune of $10.6 billion—for the purpose of paying themselves big bonuses. "By deliberately and intentionally manipulating accounting to hit earnings targets," the report says, "senior management maximized the bonuses and other executive compensation they received, at the expense of shareholders."

In doing so, the report says, Raines and his team steered Fannie Mae far afield from its original mission, transforming it from a stable business into a risky one. Fannie Mae has its roots in the New Deal, when it was established to increase the amount of money available for mortgages. Over the years, its main business has been to issue debt and then use the proceeds to buy mortgages from lenders, allowing those lenders to give out new mortgages. Originally a government agency, Fannie Mae went private in 1968, with the goal of "increasing the availability and affordability of homeownership for low-, moderate-, and middle-income Americans," according to its mission statement.

But Fannie Mae is not just any private institution. It is congressionally chartered, meaning its existence is established in law, it does not have to pay state and local income taxes, and it is not subject to bankruptcy laws. It can borrow money at a lower rate than anyone else except the federal government itself. Given all that, there is a public perception that Fannie Mae is a rock-solid government institution. "There is an implied guarantee," says Sen. John Sununu, a member of the Senate Banking, Housing, and Urban Affairs Committee who has sponsored legislation to reform Fannie Mae. "Investors think they are the next best thing to Treasuries."

There's no doubt that Fannie Mae succeeded in its original mission of increasing the amount of money available for mortgages. In the 1980s, it went a step further, essentially creating a new product when it bought up mortgages and bundled them for sale to investors as mortgage-backed securities. It was an extraordinarily profitable move for Fannie Mae, and good for the housing market, too.

But in the 1990s, the company moved in a much riskier direction. Fannie Mae used its borrowing power to buy up mortgages and hold them, making a profit from the difference between the low price it paid to borrow the money and the higher interest rate it received on the mortgage. It was potentially profitable, but it had nothing to do with helping low- and middle-income people buy houses. "It doesn't do anything to support their core mission," says Senator Sununu, "and it increases their exposure to interest-rate risks."

But the OFHEO report suggests that none of that mattered to Raines, who had been a top official at Fannie Mae in the early 1990s before leaving to join the Clinton administration and then returning to Fannie Mae as chief executive in 1998. According to the report, Raines became obsessed with propping up Fannie Mae's earnings per share, or EPS, even if he had to use creative accounting to make it happen. Raines set a series of increasingly higher EPS goals that, if met, would trigger bonuses for the executive team that far surpassed what they received in salary.

In 1999, Raines announced a new goal to double Fannie Mae's EPS in five years, from $3.23 per share to $6.46. It was an audacious goal, and reaching it, according to OFHEO, became Fannie Mae's reason for existence: "$6.46, the EPS goal, became the corporate mantra—everything else was secondary to hitting that target." To convey an idea of just how obsessed Raines had become, and how he passed on that obsession to his top managers, the OFHEO report quotes at some length from a speech given in 2000 by Sampath Rajappa, head of the Office of Auditing, to his accounting team:

> By now every one of you must have 6.46 branded in your brains. You must be able to say it in your sleep, you must be able to recite it forwards and backwards, you must have a raging fire in your belly that burns away all doubts, you must live, breathe and dream 6.46, you must be obsessed on 6.46. . . . After all, thanks to Frank, we all have a lot of money riding on it. . . . We must do this with a fiery determination, not on some days, not on most days but day in and day out, give it your best, not 50%, not 75%, not 100%, but 150%. **Remember, Frank has given us an opportunity to earn not just our salaries, benefits, raises . . . but substantially over and above if we make 6.46.**
>
> So it is our moral obligation to give well above our 100% and if we do this, we would have made tangible contributions to Frank's goals.

It worked. Fannie Mae met its EPS goals, and Raines rewarded his top executives—and most of all himself—with unheard-of amounts of money.

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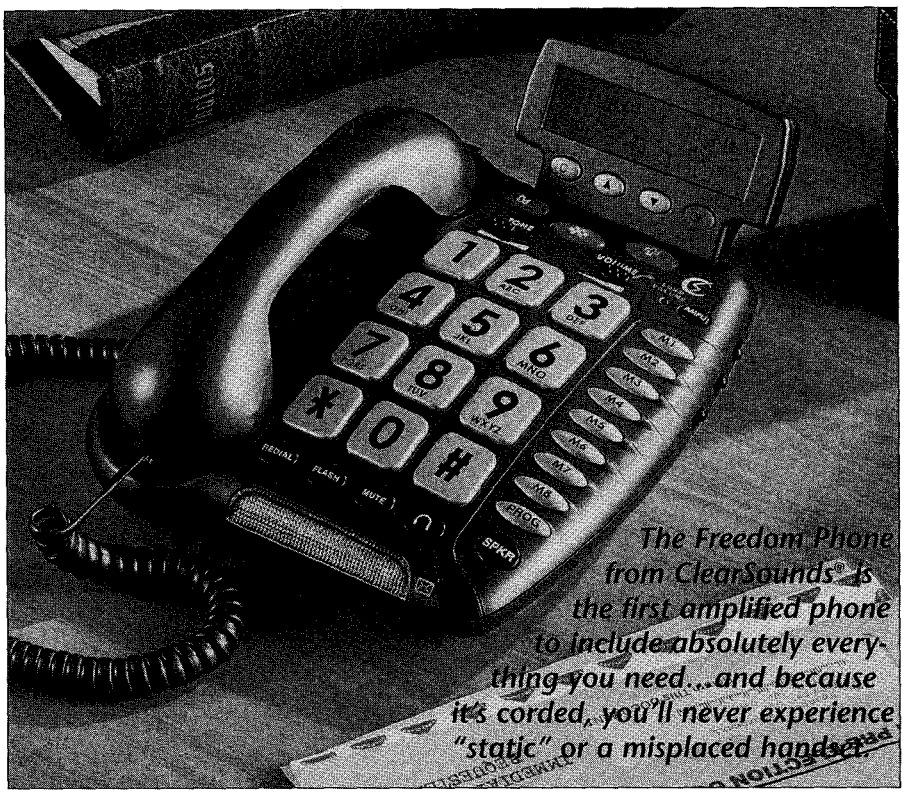
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Even though his salary never topped $1 million, Raines' total compensation shot from $6.48 million in 1998 to $8.52 million in 1999, to $13.89 million in 2000, to $18.86 million in 2001, to $18.20 million in 2002, to $24.15 million in 2003, all on the strength of EPS bonuses. Investigators found that of the $90.12 million Raines was paid in that six-year period, more than $52 million came from EPS bonuses.

Gorelick's situation was similar. OFHEO found that she took home $26.46 million in the period from 1998 to 2002 (she left in that year, so she wasn't there for the entire period under investigation). Of that figure, nearly $15 million came from EPS bonuses.

Of course, it wasn't legit. "Fannie Mae reported extremely smooth profit growth and hit announced targets for earnings per share precisely each quarter," the OFHEO report says. "Those achievements were illusions deliberately and systematically created by [Fannie Mae's] senior management with the aid of inappropriate accounting and improper earnings management."

In other words, they cooked the books. And to make matters worse, according to OFHEO, when regulators began to catch on to what was happening, Raines and his team then "sought to interfere" with the OFHEO investigation by trying to get Congress to start up a separate probe of OFHEO. Fannie Mae also lobbied Congress to cut OFHEO's funds unless it got rid of the top official in charge of investigating Fannie Mae.

That didn't work, and, as a result of the investigation, Fannie Mae has agreed to pay $400 million in penalties. The company is now under criminal investigation by the Justice Department, and will likely be in trouble with the Securities and Exchange Commission, too. And there probably won't be much more talk about Gorelick as attorney general should a Democrat win the White House in 2008.

But there still is the matter of cleaning up Fannie Mae. Senator Sununu and his colleagues on the Senate banking committee have been trying for two years to win approval of a bill that would create a new regulatory body for Fannie Mae and give that body the authority to crack down on the company's riskier practices.

But the bill has faced a lot of opposition, mostly from Democrats. When Raines was still at Fannie Mae (he was forced out in 2004), he tried, in Sununu's words, "to slow-walk the process. Frank Raines decided they were stronger and better and smarter than everyone else, so they would push back." Democrats allied themselves with Raines and said they worried that reform might harm Fannie Mae's ability to provide mortgages to low- and middle-income homebuyers. Sununu's bill was approved in the banking committee last year, but only on a straight party-line vote.

Now, however, there is the OFHEO report, which will probably make it impossible for anyone to oppose reforming Fannie Mae. "It's not a very smart move politically to stand up and defend people who manipulate earnings to get $50 million bonuses," says Sununu.

So look for reform to happen, with the support of Republicans and Democrats. It took a long time, and $10.6 billion in overstated earnings, and a scathing report from regulators, but things are finally moving along. **NR**

MICHAEL KLEINFELD/UPI

Fannie Mae was very good to Jamie Gorelick, a former Justice Department official.

■ **CULTURE WATCH**

Fizzes and Fizzles

How goes the struggle against Demon Coke?

JOHN J. MILLER

At the Coca-Cola Company's annual meeting of shareholders on April 19, CEO Neville Isdell announced positive first-quarter results and then solicited comments from the audience on the election of directors. The first response came from Ray Rogers, a longtime labor activist—but Rogers had no intention of talking about the makeup of Coke's board. Instead, he delivered a two-minute tirade on corporate perfidy: "The World of Coca-Cola [is] a world full of lies, deception, immorality, corruption, and widespread labor, human-rights, and environmental abuses."

If the words sounded rehearsed, it wasn't merely because Rogers had prepared his statement in advance: He has uttered this line, with its reference to the Coke memorabilia museum in Atlanta, on many occasions. His favorite venues are colleges and universities, where an anti-Coke movement has grown among left-wing activists for several years. They accuse the company of murdering union leaders in Colombia, causing water shortages in India, and violating worker rights in Indonesia and Turkey. Because of the efforts of Rogers and his allies, more than a dozen schools have terminated contracts with the soda maker or expelled its vending machines from cafeterias and dormitories. Activists frequently refer to Coke as "the new Nike"—a reference to a student-led anti-sweatshop movement that went after the shoemaker in the 1990s for the allegedly sorry state of its foreign factories. Right now, the campaign to stop "Killer Coke" is perhaps the trendiest protest movement on campus.

It hasn't affected Coke's bottom line, according to Isdell. But company officials

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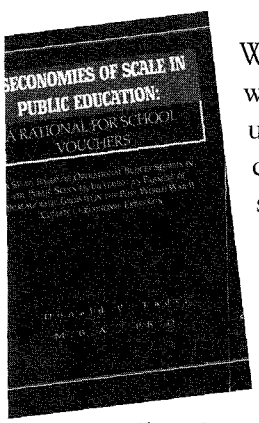

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have responded aggressively: They've created a website (CokeFacts.org) to rebut various allegations; bought a domain name (KillerCoke.com) that directs potential critics to their website; and sent teams of representatives to campuses that have considered cutting ties. They're clearly worried about the effects of a long-term smear campaign orchestrated by radicals determined to beat the Real Thing. The company is doing what it can to persuade open-minded students that slogans are no substitute for facts, but there's no shortage of closed minds. "Some people won't ever be satisfied because for them this is ideological," says Isdell. "Their goal is actually anti-capitalist."

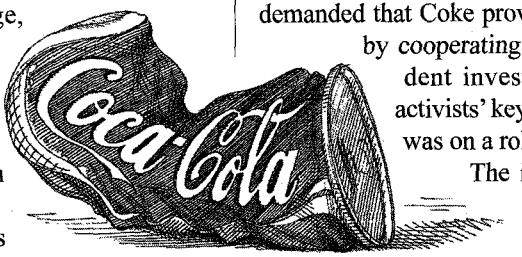
Coca-Cola is of course a potent symbol of American capitalism. From its humble origins in a Georgia pharmacy in the 1880s, Coke has become a global drink of choice. The company estimates that its products are consumed 1.3 billion times per day. *BusinessWeek* magazine rates it the most valuable brand in the world.

Perhaps inevitably, Coke has become an appealing target for America-haters everywhere. As U.S. economic influence spread after the Second World War, Communists in France and elsewhere derided "Coca-Colonization." Just a few years ago, in the Wahhabi equivalent of playing Led Zeppelin records backwards and listening for satanic mutterings, some Muslims argued that the mirror image of Coca-Cola's familiar script delivered an anti-Islamic message in Arabic. Since then, French entrepreneur Tawfik Mathlouthi has introduced Mecca Cola, a Coke competitor with a red-and-white label. He says his goal is to fight "America's imperialism and Zionism by providing a substitute for American goods." At first, Mecca Cola was stocked only in small ethnic stores in a few European countries, but now it can be found on supermarket shelves across the continent, as well as in the Middle East. A portion of the proceeds are earmarked for the Palestinians.

Rogers says he became involved in this latest anti-Coke crusade nearly four years ago, when members of a Colombian union, Sinaltrainal, came to his office in New York with stories about the murders of labor leaders by right-wing paramilitaries. "I wasn't looking to get into this fight," he says. But the Colombians definitely were looking for him: Rogers has a reputation as an innovative activist who cut his teeth in the 1970s during a celebrated labor struggle against the textile manufacturer J. P. Stevens (an incident that later became the subject of the movie *Norma Rae*, for which Sally Field won an Oscar). Since those glory days, however, Rogers has become a radioactive figure among established unionists, especially because of his involvement in a botched strike against Hormel in the 1980s. But he is still occasionally sought out by labor interests seeking to advance causes by unconventional means. He runs a shoestring operation, which was perfect for the Colombians, who couldn't afford to pay him anything.

"I was moved by their story," says Rogers. "So I started an investigation of Coke." This "investigation," he admits, did not include any site visits: "I've never been to Colombia, but I'd love to get there." Nor did it involve a single contact with the Coca-Cola Company itself; Rogers didn't actually sit down with a Coke employee until last spring when he agreed to a meeting at Coke's request. "When I get involved in a campaign, I don't seek out corporate executives," he explains. "I represent people."

The people he ostensibly represents—those Colombians—say that right-wing paramilitaries killed eight union members between 1989 and 2002 and that these deaths were coordinated with Coke officials who were trying to weaken the unions at local bottling plants. These charges aren't even close to proven. Two judicial inquiries in Colombia found no evidence to support them. In 2003, a federal judge dismissed Coke as a defendant in a frivolous case filed by the International Labor Rights Fund. The IUF, the labor organization that represents more Coke workers than any other union in the world, has condemned the anti-Coke movement: "The boycott call is based on unsubstantiated allegations and empty political slogans. This call for a boycott will damage, rather than strengthen, the credibility of all those seeking to secure union rights for all employees in the Coca-Cola system." Rogers bristles at the mention of IUF: "From the start, it's been a thorn in my side."



It's also impossible to ignore the fact that Colombia has suffered from a prolonged civil war, in which both left-wing and right-wing groups have killed thousands of Colombians. That some of these deaths would touch union members who work at Coke facilities, where the unionization rate is considerably higher than it is elsewhere in the country, should not come as a shock. Even so, Sinaltrainal leaders have said that the families of the slain workers ought to receive payments equal to the salary of Coke's CEO. Rogers, for his part, notes that Coca-Cola paid nearly $200 million a few years ago to settle a class-action lawsuit based on racial discrimination. "They can afford this," he says.

Taking on a huge company such as Coke presents an enormous challenge—but Rogers's strategy doesn't call for a broad-based consumer boycott that would certainly flop. Instead, he seeks to achieve a series of small campus-level victories that generate unwelcome publicity for a brand-sensitive company as well as a sense of momentum for college students who are looking for a fashionable cause. "One of the reasons Rogers can attract students is because he can make them feel like they're participating in something by not doing anything at all," says Jarol Manheim, a political scientist at George Washington University who studies anti-corporate movements. "All they have to do is quit drinking Coke." Social responsibility has never been easier, especially with Pepsi available as an alternative.

To start the campaign, Rogers cherry-picked small schools such as Lake Forest College in Illinois and Bard College in New York. Last year, however, he scored a bigger victory when Rutgers ended an exclusive contract with Coke. By the end of 2005, both New York University and the University of Michigan had banned Coke. At Michigan, the administration demanded that Coke prove its innocence by cooperating in an independent investigation of the activists' key claims. Rogers was on a roll.

The irony is that by thinking globally and acting

ROMAN GENN

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The Big Lie (II)

What about those Arab "refugees"?

In a previous installment of this series of *hasbarah* (educating and clarifying) messages, we discussed The Big Lie (I), namely that Judea/Samaria (the "West Bank") are occupied territories. This has been repeated so long and so often that most of the world has come to believe it. The Big Lie (II) is that of the Arab refugees. They deserve a closer look.

What are the facts?

The legitimacy of Israel. The state of Israel was legally created out of the dismemberment of the Ottoman Empire at the end of World War I. The area was desolate – desert and swamp – with some small towns and a few inhabitants, many of them nomads. The inhabitants, if they thought about it at all, considered themselves Syrians. The legitimacy of Israel arises from the Balfour Declaration issued by the British, who were given the mandate over the area by the League of Nations. Jews have lived in the country since Biblical times. The Arabs from the surrounding areas were lured to "Palestine" by the industry and prosperity that the Jews brought to the region. Envy, hatred, and religious fanaticism turned the Arabs against the Jews. In bloody outrages, horrible massacres, killings and rapes, the Arabs tried to dislodge the Jews, but were unable to do so.

> "Israel is not likely to . . . commit demographic suicide by letting the Arab "refugees" into their country."

In 1947, the British, having tired of the trouble and the bloodshed, resigned their mandate. That same year, the United Nations mandated partitioning of the territory. The Jews, though disappointed, accepted the partition. The Arabs rejected it out of hand and launched war against Israel. The armies of five Arab countries invaded the nascent state. Following the exhortations of the invaders, the Arab residents got out of the way hoping to return after victory was attained. They could then reclaim their property and that of the Jews, all of whom would have been killed or would have fled. That and that alone is the source of the Arab "refugee problem."

Had the Arabs accepted the UN partition plan, there would now have been a state of "Palestine" for the last 58 years. They might have attained a similar level of prosperity, advancement, and development as Israel, which, small though it is, is today in almost every regard one of the world's most advanced countries.

Not the only refugees. There is dispute about the number of those refugees. Best estimates are that about 650,000 people fled. But those Arabs are not the only refugees of the 1948 war of Israel's independence. About 800,000 Jews from Arab countries – from Morocco and Algeria to Iraq and Yemen – fled or were driven out of their home countries, where they had lived for centuries. Most of them left with just the clothes on their backs, leaving land, property, businesses, and wealth created over generations. Most fled to the newly-born Jewish state. They were received with open arms, immediately and fully integrated into Israeli society. They now form about 50 per cent of the population of Israel.

Not so with the Arab refugees. Their Arab brethren refused to integrate them into their countries and into their societies, but confined them in so-called "refugee camps," essentially extended slums, where they or rather their descendants – now the fourth generation – have been living ever since. The reason for the refusal to integrate them into their Arab host countries has been the design to keep them as a festering sore and to make solution of the Arab/Israeli conflict impossible. These "refugees" are seething with hatred toward Israel and provide the cadres of suicide bombers.

The Palestinian refugees occupy a unique place in the annals of warfare and migration of people. Such migrations are common and unavoidable in the long history of human conflict. Following WW II, millions of Germans were expelled from Czechoslovakia and the eastern regions of Germany that were turned over to Poland. In the upheavals that followed the withdrawal of the British from the Indian subcontinent, millions fled or were driven from their homes. Following France's loss of its Algerian possessions, hundreds of thousands fled that North African country. These millions of refugees and others were absorbed into their new countries and were no longer the concern of the world. It is only the Palestinians who, for almost sixty years, have been considered "refugees." In fact, a special branch of the United Nations (UNWRA) exists only for the maintenance of these "refugees," at a cost of billions of dollars.

The problem of the "Palestinian refugees" is a red herring, fostered for almost sixty years in order to maintain the fiction that these "refugees" have the right to return to their "homeland." The original 650,000 have now miraculously swelled to 4 or 5 million. It is clear that, were they allowed to "return" to Israel, the country would cease to exist as a Jewish state. Since the "return of the refugees" is one of several non-negotiable Arab demands, and since Israel is obviously unwilling to accept them, the Arab/Israeli conflict would seem to be beyond resolution. Israel is not likely to succumb to Big Lie (II) and will not commit demographic suicide by letting the Arab "refugees" into their country.

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locally, these Coke bans can punish American unionists. Because Coke is bottled close to where it's sold all over the planet, a decision by the University of Michigan to halt Coke sales exerts precisely no pressure on bottlers in Colombia—but it does threaten union jobs in the Detroit area. "We fill those machines in Ann Arbor, so this hurts us and we don't have anything to do with what's going on in Colombia," says Richard Gremaud of Teamsters Local 337. Does Rogers care about these American workers? "In any kind of solidarity, there is pain," he replies. Gremaud feels differently: "If he was losing his job, he wouldn't say that."

The good news for these Teamsters is that the University of Michigan's administration rescinded its ban in April: Coke agreed to an independent investigation by the International Labor Organization, a branch of the United Nations. A report is expected this fall. Although the investigation hasn't even started, Rogers is already condemning it on the grounds that Ed Potter, a high-level Coke official, is a member of the U.S. delegation to the ILO. "There are 640 people who have a final vote in the ILO conference's legislative process," says Potter. "I have one of them, and I won't have anything to do with this investigation. To suggest that there's any undue influence is preposterous."

But it's an allegation Rogers needs to have ready, because an exoneration of Coke by the ILO would deliver a solid blow to his efforts. Rogers, in fact, has had to deal with a handful of recent setbacks. In Britain, the National Union of Students, a large purchasing co-op, voted to continue its relationship with Coke. And in the United States, there may be an emerging pro-Coke counter-movement: When a debate over Coke reached Michigan State University in East Lansing earlier this year, students affiliated with Young Americans for Freedom passed out fliers in support of the company.

In the end, the anti-Coke movement may fizzle like a can of pop that's been open too long. There's even a chance it will end almost exactly the same way the Coke shareholders meeting did in April: with Ray Rogers standing in the back of the room, shouting about how he hadn't been allowed to speak, even though he had. **NR**

■ **THE MIDDLE EAST**

The Iranian Street

We should help an increasingly restive population against its rulers

JASON LEE STEORTS

LOCKED up somewhere in Tehran's Evin Prison is a man named Mansour Osanlou. The number of Westerners who know his name is probably extraordinarily small, but he is extraordinarily important. He—and others like him—may be our best hope of neutralizing the threat posed by Iran's nuclear program.

Osanlou rose to prominence last December when, as president of a bus drivers' syndicate in Tehran, he helped organize a protest against the drivers' work conditions. The protest was mild: Drivers showed up on the job but refused to collect tolls, giving free rides to their passengers. Iran's rulers nevertheless arrested several of the drivers' leaders, including Osanlou.

In doing so, they sparked a second, and much more serious, round of protests. These took place in January, when hundreds of bus drivers went on strike, paralyzing the city. Tehran's residents, though inconvenienced, seemed to be on the strikers' side. Motorists turned on their headlights in a sign of solidarity. The regime mobilized its militia as substitute drivers, but many people refused to ride the buses. A group of subway workers showed their support by cutting power to one of the subway lines, and statements encouraging the strikers came in from various organizations of workers and students. The regime, sensing that what had begun as a labor complaint was on the brink of becoming a political movement, cracked down. It arrested the ringleaders, dispatched its goons to beat the protesters, and fired many of the drivers. Osanlou remains jailed, having been neither charged with a crime nor given access to a lawyer.

What's noteworthy about all this is that it isn't noteworthy. The Western press picked up the story for a few weeks but forgot about it by February. This created the impression that the drivers' protests were an aberration, and that, apart from a bit of smashed glass, the streets of Tehran were back to normal. The reality is far more tumultuous. Not only did the protests continue through the spring, but the drivers' discontent is emblematic of a much wider phenomenon. To put it simply, Iran's workers are mad as hell at the regime—and they are ready to do something about it.

"There's probably not a day when some workers' organization is not demonstrating outside some government building somewhere in Iran," says Iran scholar Michael Ledeen. These demonstrators work in many industries—from textiles to mining to sugar processing—but they have a common grievance: They aren't getting paid. Banafsheh Zand-Bonazzi, a native of Iran who writes frequently about events in that country, estimates that "there are somewhere between 8 and 11 million workers who have not been paid for anywhere between three and 25 months." Many are employed by state-owned enterprises; others work for "factories owned by people close to the regime." These workers are aware of Iran's staggering oil wealth. They see the opulent lifestyle of the ruling clerics. Not surprisingly, they direct their anger at the regime.

To take just a few more examples of the unrest: In February, 200 miners who had gone without pay for a year traveled to Tehran to protest in front of Mahmoud Ahmadinejad's office. In November of last year, 1,000 textile workers who hadn't been paid for eight months demonstrated in front of Iran's parliament building. And a group of glass workers recently got so mad that they set their factory on fire.

Such concentrated anger presents an opportunity for the West. What we should notice is that the bus drivers' strike is not terribly different from what happened at Poland's Gdansk Shipyards in August 1980. That is of course when Solidarity

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was born. In July of that year, the Polish government had decided to raise prices while slowing wage growth. This triggered protests and led to the firing of Anna Walentynowicz, a crane operator at Gdansk. In response, the shipyard workers went on strike under the leadership of the electrician Lech Walesa.

Could Mansour Osanlou, or someone like him, be another Walesa? It's impossible to say for sure, but the idea isn't farfetched. Like the Iranians, the Polish workers began to protest because they were dissatisfied with their work conditions; the goal wasn't to smash Communism so much as to put food on the table. But their activities brought them in conflict with Poland's rulers, who, in trying to suppress the protests, politicized them. Something similar would almost certainly happen in the event of sustained labor unrest in Iran. Indeed, the tendency of the protesters to target institutions of the regime suggests that they already view their complaints as political. The mullahs have shown themselves willing to imprison strike leaders and deal violently with the strikers. They have also forbidden workers to organize. (The bus drivers' syndicate, for example, has been illegal since the Islamic Revolution of 1979. There are state-approved labor organizations, but these are viewed by most workers as deeply tainted by their affiliation with the regime.) There is every reason to think the workers will eventually conclude that their problems cannot be solved as long as the mullahs are in power.

But they will need our help. Solidarity's transformation from obscure labor group to history-shaping political movement did not happen in a vacuum. Ronald Reagan and Margaret Thatcher gave constant rhetorical support to Walesa, and the CIA provided funds. Iranian workers would gain much if the U.S. devoted similar efforts to them. As a practical matter, financial assistance would make it easier to organize strikes. Even though many workers aren't being paid, they are still reluctant to walk out on the job, for fear of being fired and losing any hope of future payment. If American funds were there to meet their necessities—or even to pay their back wages—they would be more inclined to take to the streets. Some people fear that open American funding would cause the regime to deal more severely with the workers, but the U.S. wouldn't need to publicize its support. It could instead channel funds to the workers by way of non-governmental labor and humanitarian organizations.

As for rhetoric, statements of Western solidarity could have a significant impact. Restrictions on speech within Iran make it difficult for dissidents to spread their message, but the foreign press has a way of eventually reaching the Iranian masses. So it has been with President Bush's declarations of support for Iranian democrats. Amir Abbas Fakhravar, a prominent dissident, recently told me that "the people of Iran, especially the youth," have noticed Bush's "siding with the people of Iran rather than the government of Iran." Zand-Bonazzi calls Bush's rhetoric "excellent" and says that "as an individual, he's gotten it."

But his administration could do more. It could begin by taking a more active hand in the programming of Voice of America and Radio Farda (Radio Free Europe's Farsi service) for Iran; the current broadcasts do little to plead the cause of Iran's democrats. And the administration's public diplomacy could do a much more effective job of echoing the president's message. "It's astonishing," says Ledeen, "that the only people in the U.S. supporting the bus drivers were John Sweeney [the president of the AFl-CIO] and Rick Santorum [the Pennsylvania senator]." One could quibble with him: The State Department did issue a statement saying it "condemn[ed] the Iranian Government's forcible suppression of peaceful demonstrations by bus drivers in Tehran." And the administration's request for $75 million to fund the activities of expatriate and dissident Iranians suggests the beginning of a more serious attempt to undermine the regime. But it has been four long years since Bush named Iran part of the Axis of Evil. What took so long?

In three words, the State Department. The bureaucracy there has been reluctant to embrace a policy of regime change, preferring instead to follow the EU-3 in its fruitless negotiations with the mullahs. One senior administration official says that, when it comes to providing direct support for dissidents inside Iran, "the State Department's bureaucracy rejects it almost reflexively." That needs to change. People can debate the merits of promoting democracy as a general rule, but if there is any country where the overthrow of tyranny would advance our interests, it is Iran. The problem with nuclear weapons is the regimes that own them—and as far as regimes go, it doesn't get much worse than a terrorist-sponsoring Islamist theocracy. Air strikes against the nuclear facilities could delay Iran's acquiring nuclear weapons by several years, but the mullahs would surely seek them again. Is it not far preferable, for both humanitarian and strategic reasons, to see Iran's people—the most educated, moderate, and pro-Western Muslims of the Middle East—break the chains of their oppression?

The lamentable reality of foreign policy is that morality and self-interest need not align. In the case of Mansour Osanlou, they do. It's time we did something about that. NR

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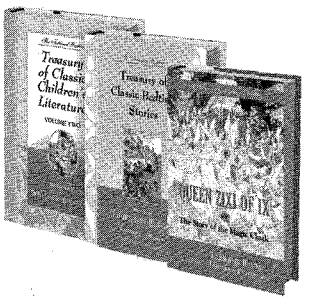

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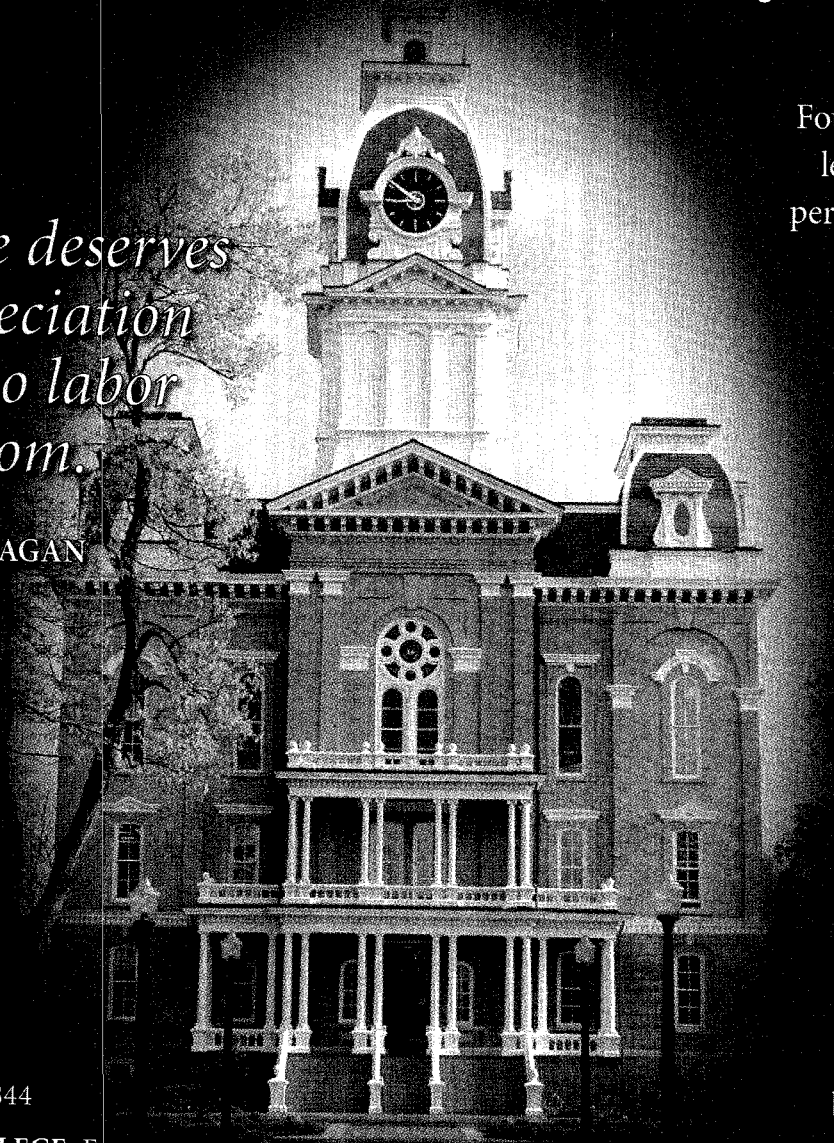

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Enfeebling the Presidency

The executive branch is a co-equal branch, or so the Framers said

DAVID B. RIVKIN JR. & LEE A. CASEY

It may be impossible to date precisely when the American Left, and especially its intellectuals, began to fall out of love with the presidency, but a compelling case can be made for November 22, 1963—the day John F. Kennedy was assassinated. From the intelligentsia's perspective, Kennedy was quite simply *their* president. He was Harvard-educated, personable, stylish, funny, and eager to surround himself with "the best and brightest." Kennedy's 1960 campaign was a crusade of youth and vigor and of liberal good intentions. His election was, for them, a true passing of the torch (as Kennedy noted in his inaugural address) to a new generation of leaders who could, and would, change the world.

When the sun set on November 22, Lyndon Johnson was president—and Johnson was nothing if not the anti-Kennedy. He was not Ivy League. He looked, talked, and acted like what he was, a Texan. One of the most skilled and successful managers of the U.S. Congress in history, Johnson as president achieved far more for the "progressive" agenda than Kennedy would likely ever have attempted (and perhaps even wanted). For Camelot's lords and ladies, however, Johnson would always be the *Other*. And then, of course, there was Vietnam. This was a catalyst. By June 1967, *Newsweek* was publishing an article on "LBJ and the Intellectuals," recounting the president's efforts to "win back the campus defectors." He could, of course, have saved himself the effort.

As one of Johnson's advisers explained at the time, "the intellectuals would like to govern, but are too weak and too abstract to be a governing force." Johnson himself summed it up even better: "Presidents deal with power. Power is real. Power is not pretty. And I guess these people don't understand power brokers like they do art brokers." Over the next 40 years, of course, "these people" never did become a governing force. Time and again, their favored candidates were defeated, either in primaries or in general elections. Jimmy Carter, while a nuclear engineer, was never embraced by the Democratic establishment as one of its own. Only in 1992, with Bill Clinton's election, did a card-carrying policy wonk enter the White House, and his freedom of action was quickly constrained by the Republican Congress elected in 1994. Indeed, the Clinton tenure became a textbook example of how difficult it is for even a Democratic president to govern leftward enough to satisfy the core Democratic-party constituencies.

In 2006, America's Left again finds itself with a president who looks, talks, and acts like what he is, a Texan—and they are not happy. It is hardly surprising, therefore, that the presidency itself, along with the whole idea of robust executive power, has fallen into disfavor with the country's liberal thinkers and activists, and more than a few of its Democratic politicians. Looking below the surface, however, we see far more at work here than personal disappointments, pique, and irrational hatred of the Texas style. The current anti-executive-power animus can't even be attributed to the alleged policy excesses of the Bush administration. Indeed, this administration has been far more cautious in its war-related legal policies than its predecessor wartime presidencies. Unfortunately, today's denigration of the presidency is robust enough and comprehensive enough that it is likely to survive George W. Bush's tenure, and to become a long-term fixture of America's legal and political discourse.

The actual engine driving the hostility to presidential power is a fundamental suspicion of, and opposition to, the use of American power as a means of defending and advancing U.S. interests at home and abroad, rooted in a tendency to see the U.S. as a negative force in world affairs. This hostility is shared widely on the left, and has more than a few proponents on the right. If one's ultimate goal is to constrain the use of American power on the world

Messrs. Rivkin & Casey are partners in the Washington, D.C., office of Baker & Hostetler LLP. They served in the Justice Department during the Reagan and Bush 41 administrations.

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The Devil Weed and Harry Anslinger

Harry J. Anslinger, a former railroad cop and Prohibition agent, is almost single-handedly responsible for outlawing marijuana. A law-and-order evangelist -- one biographer called him "a cross between William Jennings Bryan and Reverend Jerry Falwell"--Anslinger believed that alcohol prohibition could have succeeded if only the penalties had been tougher.

When he was named America's first drug czar in 1930 Anslinger initially tried to keep the Bureau of Narcotics clear of the marijuana issue because he knew eradication would be impossible. The stuff grows, he said, "like dandelions." But in the budget squeeze of the Great Depression he decided to create a little excitement by transforming marijuana from a low grade nuisance into an evil "as hellish as heroin." To add a little spice he played the race card.

"Reefer makes darkies think they're as good as white men," said Anslinger, **"...the primary reason to outlaw marijuana is its effect on the degenerate races."** To make sure nobody missed the point he offered this profile of the average toker: **"... most are Negroes, Hispanics, Filipinos, and entertainers. Their Satanic music, jazz, and swing, result from marijuana use. This marijuana causes white women to seek sexual relations with Negroes, entertainers, and any others."**

Most Americans had never heard of the weed. Clearly Congress hadn't either. The transcript of the 1937 Congressional Hearings on the Taxation of Marihuana are "near comic examples of dereliction of legislative responsibility," according to one legal observer. The principal witness was Commissioner Anslinger and his evidence consisted of newspaper clippings. The solitary medical expert, Dr. William Woodward of the American Medical Association, undermined Anslinger's testimony by pointing out that the facts in these newspaper clippings had originated with the Commissioner himself.

But the hour was late and it was time to move on. In a vote they didn't bother to record, on a matter of little interest, a handful of Congressmen forwarded a bill that would one day fill the nation's prisons to the roof beams.

Common Sense for Drug Policy
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Text excerpted from Drug Crazy, Mike Gray, Random House 1998

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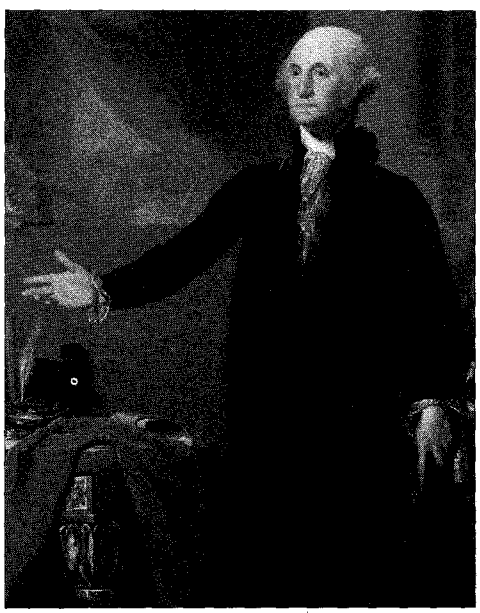
stage, it is the president who must be hobbled: He is both the symbol of strong American government and the actual locus of the initiative in formulating and implementing U.S. foreign policy. And because, in the aftermath of 9/11, the U.S. has found itself at war against a ruthless and determined foe, necessitating the robust use of various presidential powers, the critics have found numerous opportunities to advance this effort.

Of course, disputes over the nature and extent of presidential power are nothing new. Americans have fought about presidents, and the presidency, since the Republic's founding. The difference today is the vigor with which the institution itself, rather than simply the incumbent, is attacked, the comprehensive nature of the anti-executive sentiments, and the prevalence of these attacks on one side of the political spectrum. In particular, these attacks have taken three basic forms: 1) a basic denial of the president's role as the ultimate repository of all executive power—a principle sometimes referred to as the "unitary executive"; 2) the promotion of a model of executive power that would treat the president as little more than the executor of Congress's will, rather than an independent and co-equal branch of government; and, most especially, 3) demands that the courts serve a supervisory role over presidential decision-making—even with respect to the president's conduct of armed conflict. Only the last of these points is really new in American political discourse; but all are equally pernicious.



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ONE-MAN BRANCH?

Whether the entire executive power should be vested in a single elected official was one of the key questions considered by the 1787 Constitutional Convention. The fear, expressed over and over by various Framers, was that a single executive would tend inevitably toward monarchy. According to James Madison's *Notes of Debates in the Federal Convention*, Virginia's Edmund Randolph "strenuously opposed a unity in the Executive magistracy. He regarded it as the foetus of monarchy." Ultimately, however, that position did not carry the day: Although a single individual vested with all of the executive power—rather than several executive officers or a disposition of executive functions among other branches of government—might *look* like a form of elected monarch, such a figure was essential to achieving the unity of command, energy, and dispatch needed to defend the nation's interests. As Alexander Hamilton wrote in the *Federalist*: "Energy in the executive is a leading character in the definition of good government. . . . A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution." In other words, the Framers adopted a unitary executive for good and sufficient reason: Achieving these ends had been the very purpose of drafting and adopting a new Constitution, reflecting the widespread dissatisfaction with the experience of our national governance under the Articles of Confederation, when the executive power was vested in Congress.

Thus, when, earlier this year, the *New York Times* characterized the unitary executive as a "fringe" theory, it was dismissing the actual intent and purpose of the Constitution's Framers—not to mention the plain meaning of that document's text, which states that "[t]he executive Power shall be vested in a President of the United States." The *Times*'s comment was part of a last-ditch editorial effort aimed at convincing Senate Democrats to block Justice Samuel Alito's Supreme Court nomination; but there is little doubt that the *Times* was also trying to advance the broader view of the intellectual Left that there is effectively no power held by the president that should not be subject to the control of Congress and/or the courts. They do not believe that the president should merely be subject to actual constitutional checks and balances (such as impeachment or the power of the purse)—but that Congress and the courts have a right to direct on an ongoing basis how the president executes the core functions of his office.

Acceptance of this position would, of course, transform the presidency from a co-equal and independent branch of government into the servant of (chiefly) Congress. This is not what the Constitution provides for, and it was only a minority of that document's Framers who ever considered such an arrangement desirable. First among these was Connecticut's Roger Sherman. According to Madison's *Notes*, early in the Convention, when the delegates began discussion of the executive power, Sherman "said he considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect." Again, as with opposition to a unitary executive, this position did not prevail. Indeed, much of the Convention's subsequent discussions revolved around how to ensure that the national executive would be independent of Congress. As Madison later wrote, the executive, legislative, and judicial powers must be both separate and "independent of each other. . . . Experience had proved a tendency in our governments to throw all power into the Legislative vortex. The Executives of the States are in general little more than Cyphers; the legislatures omnipotent. If no effectual check be devised for restraining the instability & encroachments of the latter, a revolution of some kind or other would be inevitable."

WHO SHALL PREVAIL?

Thus, the Constitution ultimately established a system of independent branches of government with complementary, and sometimes conflicting, powers. The branches check one another, but none is superior. Thus, for example, the president is commander-in-chief of the armed forces, but Congress is empowered to "make Rules for the Government and Regulation of the land and naval Forces." Where Congress's power ends and the president's begins, and vice versa, is not delineated, and, as a consequence, most of these disputes are not susceptible to judicial resolution. The Framers left this question to the thrust and parry of practical politics and the good sense of their posterity. In fighting these battles,

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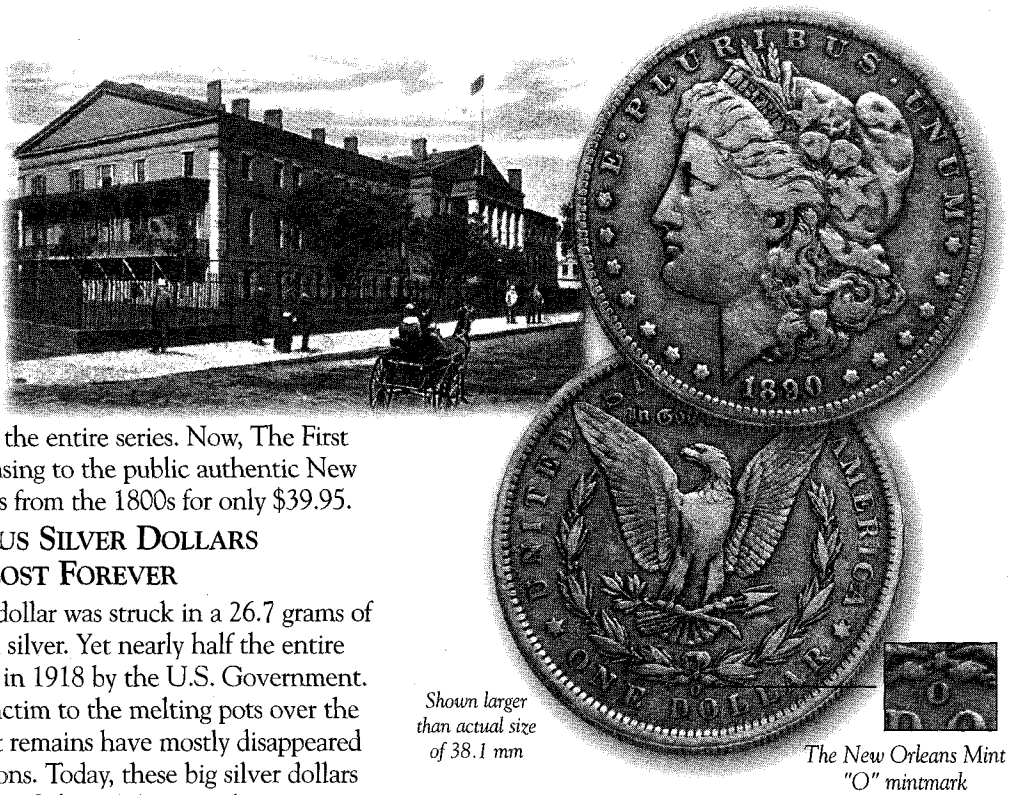

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however, it is important to recall that there is no inherent presumption that an exercise of congressional authority designed to constrain the president is any more or less legitimate than the exercise of presidential authority itself.

It is this often unarticulated (and incorrect) assumption—that Congress's power is somehow greater or at least more legitimate than the president's—that is behind many of the legal arguments advanced against President Bush's conduct of the War on Terror. Ironically, the source of this misunderstanding is a Supreme Court decision that, in its holding, actually reaffirmed the equal dignity and separation of the legislative and executive branches of government. *Youngstown Sheet & Tube Co.* v. *Sawyer* (1952) involved President Truman's decision—hours before a United Steelworkers' strike deadline—to take over most of the nation's steel mills. In justification, the president noted that an uninterrupted supply of steel was necessary to prosecute the Korean War. The mill owners challenged Truman's order, claiming that it was legislative in character and that Congress had not authorized the president to intervene in a labor dispute in this manner. The Supreme Court agreed, holding that the president's authority as chief executive and commander-in-chief did not justify his action. The president, it concluded, simply did not have "the ultimate power . . . to take possession of private property in order to keep labor disputes from stopping production. This is a job for the Nation's lawmakers, not for its military authorities." The Court's conclusion was indeed correct; even the most expansive reading of executive power does not support the president's ability to commandeer economic production or control other domestic elements of the body politic, merely because of their impact on war prosecution.

The most politically significant aspect of this case, however, was not the Court's holding, but the analysis suggested by Justice Robert Jackson in a concurrence. Jackson posited a three-part test of presidential power: 1) Where the president acts in accordance with an express grant of Congress, his authority is at its zenith, "for it includes all that he possesses in his own right plus all that Congress can delegate"; 2) where the president acts without a clear congressional grant or denial of authority, "any actual test of power is likely to depend on the imperatives of events and contemporary imponderables rather than on abstract theories of law"; and 3) where the president acts against the express wishes of Congress (as Jackson believed Truman did in the *Youngstown* case), "his power is at its lowest ebb, for then he can rely only upon his own constitutional powers minus any constitutional powers of Congress over the matter."

Although Justice Jackson presented here a neat paradigm—much loved by generations of lawyers and political scientists—it was not a part of the Supreme Court's *Youngstown* holding, it has never been the law, and subsequent Supreme Court cases have expressly criticized it as being overly simplistic. Moreover, it left the incorrect impression (probably not intended by Jackson) that the president's own constitutional powers, those he holds entirely independent of Congress, are somehow inferior in scope or efficacy, and that his chief role is to serve as the executor of congressional wishes. This position may have pleased Roger Sherman, but it was rejected by a majority of the Constitution's Framers as undesirable and unworkable.

LACKING IN DISCRETION

These days, the executive's critics appear to posit that there is no legitimate area of discretionary presidential power—no presidential decision that cannot or should not be subjected to judicial review and, if necessary, correction. This view has been especially well represented in the attacks on Bush-administration policy with respect to the war against al-Qaeda and its allies. Here, most prominently, critics have claimed that the president must treat captured enemy combatants as criminal defendants, providing them with all of the rights and privileges enjoyed by the accused in civilian courts; that his interpretation of various treaties, such as the Geneva Conventions and other U.S. international-law obligations, must be subject to judicial review; and that his efforts to track and monitor enemy communications within the U.S. must also be subject to judicial oversight. Although similar claims have occasionally been advanced during America's past wars, they have never commanded such wide support among a president's political opponents, or the intellectual classes in general.

There is no inherent presumption that an exercise of congressional authority designed to constrain the president is any more or less legitimate than the exercise of presidential authority itself.

Traditionally, of course, presidents have exercised the greatest power with respect to the formulation and implementation of U.S. foreign policy generally, and during wartime in particular. As Justice Thomas wrote in the 2004 *Hamdi* v. *Rumsfeld* case, where a captured Taliban fighter challenged the legality of his detention as an "enemy combatant": "The Founders intended that the President have primary responsibility—along with the necessary power—to protect the national security and to conduct the Nation's foreign relations." Further, the Supreme Court "has long recognized these features and has accordingly held that the President has *constitutional* authority to protect the national security and that this authority carries with it broad discretion."

Indeed, as clearly understood by the Framers (inspired by such political philosophers as Montesquieu), discretionary governmental power can be properly wielded only by an executive. And, while any discretionary exercise of power can lead to abuses, the primary constitutional way to deal with this problem is through political accountability—not by having either Congress or the courts share in the decision-making process. One key part of this

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inherent executive discretion is the determination of who is, and who is not, an enemy combatant subject to attack and capture by American and allied forces in wartime. Although, as Justice Thomas noted, the question of whether "Hamdi's executive detention is lawful is a question properly resolved by the Judicial Branch . . . whether Hamdi is actually an enemy combatant is [a determination] 'of a kind for which the Judiciary has neither aptitude, facilities nor responsibility and which has long been held to belong in the domain of political power not subject to judicial intrusion or inquiry.'"

This has, in fact, long been the settled rule of constitutional jurisprudence. Unfortunately, in 2004, Justice Thomas was writing in dissent, the majority of justices having agreed that some form of process—albeit one formulated and administered by the executive—was required to permit detainees to challenge their classification as "enemy combatants." Still, even this was not sufficient for many of the administration's critics, who continued to deny the legitimacy of these detentions in the absence of a full criminal trial.

Similarly, arguments have been made that the president's interpretation of the Geneva Conventions with respect to the conflict with al-Qaeda and the Taliban should be subject to judicial revision. The courts do, of course, interpret and apply treaties in those instances where the justiciable rights of individuals are involved. In a case like the Geneva Conventions, however, where the "rights" are held by nations—e.g., the U.S. has a right to have its captured soldiers treated as "prisoners of war" under the Third Geneva Convention—and not by individuals, it is up to the executive to construe and apply U.S. treaty obligations.

Most recently, of course, the entire controversy over the National Security Agency's program to intercept al-Qaeda communications into and out of the U.S. has involved claims that the president violated the 1978 Foreign Intelligence Surveillance Act (FISA), and that all such surveillance decisions must be subject to judicial approval or disapproval. It has long been recognized that the president has the inherent constitutional right, as chief executive and commander-in-chief, to conduct warrantless surveillance for national-security purposes, both at home and abroad. This authority has been affirmed by those courts that have discussed the question, although whether information obtained through such presidential action would later be admissible at trial depends on the specific circumstances in each case. In the wake of Watergate, however, Congress enacted FISA as a means of regularizing the process and avoiding abuses.

FISA established a special panel of judges (commonly referred to as the FISA court) to receive and consider executive-branch requests for orders permitting various forms of electronic surveillance. Although the appellate panel of that court has itself acknowledged that FISA did not—and could not—extinguish the president's independent constitutional authority in this area, critics of President Bush's decision to monitor certain al-Qaeda communications without seeking a FISA order have claimed that he acted illegally. One of the principal assumptions underlying this claim, and also key to a number of the "reform" proposals now under consideration, is that the courts *must* have an ongoing supervisory role over the executive's activities in this area. This is both unprecedented and profoundly unconstitutional.

A POWER GRAB

At first blush, empowering the judiciary in this manner would not seem to be in Congress's institutional interest (as it exalts a non-political branch over a political one), nor in the interests of either major political party (a Democratic candidate will, sooner or later, recapture the presidency). There are, however, two distinct—but complementary—phenomena at work here. First, although charging the courts with presidential oversight would seem to reduce congressional authority, it also very significantly reduces the attendant political risks to Congress's members. The decisions at issue here are some of the most controversial that can be taken in our system of "ordered liberty." Civil liberties are implicated, and Congress has been called upon (especially by the media) to rein in the president's power. At the same time, the programs involved—especially the detention of captured al-Qaeda and

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Taliban members and the interception of al-Qaeda communications—are obviously in the national interest and popular with the electorate. Hence, reining in the president, which Congress can always do through the use of the power of the purse, entails high political risks. These risks exist, of course, precisely because the Framers intended that Congress, when checking the president, do so in a transparent and, therefore, politically accountable fashion. Members undoubtedly dread the possibility that, having blocked the NSA from continuing the warrantless terrorist surveillance program, they might be told by a future 9/11 commission that this contributed to another deadly attack on American soil.

Even exercising a vigorous oversight function or mandating greater information-sharing with Congress—actions that were the focal point of the previous wave of attempted congressional foreign-policy micromanagement in the 1970s and 1980s—entails high risks. By contrast, having judges—who are not accountable to the voters for their actions, and whose decisions, no matter how deadly their consequences, cannot be laid at Congress's doorstep—intervene is a godsend to more than a few tender stomachs on Capitol Hill. Many members of Congress would gladly trade their institutional prerogatives for job security.

Second, and even more significant, there is a profound ideological component at work here. Since the 1960s, the Left, and now some on the right, have come to oppose any vigorous use of American power overseas—unless it commands the approbation of the "international community," as expressed through various multilateral institutions such as the United Nations Security Council. It is the president who, in the American scheme of government, is capable of directing American power in a unilateral, and hence inherently "suspect," manner. He alone can act with energy, dispatch, and decision—just as the Constitution's Framers intended. It is not, therefore, surprising that the opponents of a strong American leadership role now challenge that design.

It is difficult to imagine a more effective means of ensuring that the president will not act decisively than involving the courts in supervising his actions. Courts are, by nature, deliberative, and deliberation takes time. The courts have little or no means of obtaining and analyzing the information necessary to make foreign or military policy; they are not cohesive (various trial and appellate courts issue inconsistent decisions on the same subjects, and the Supreme Court often has real trouble ensuring that lower courts follow its lead); they cannot execute their own orders; and they do not command the public's confidence or affection as a president can in times of crisis. They have, however, a long and proven record of advancing "progressive" causes, and many on the left continue to assume that the courts will provide more such results than could be expected from the political process.

Those conservatives who, out of anger or disappointment, wish to see the Bush administration bridled, or who fear that the power claimed by President Bush today will be used for worse ends by a Democratic successor tomorrow, should keep in mind Hamilton's words quoted above: "A feeble executive implies a feeble execution of the government. A feeble execution is but another phrase for a bad execution." The Framers created a strong president to ensure a strong national government that could protect the national interest. That concern remains as central today as it was in 1787. **NR**

■ **THE MIDDLE EAST II**

Into Egypt

A country invites the world, and its scrutiny

JAY NORDLINGER

Sharm El Sheikh, Egypt

THE World Economic Forum holds its Annual Meeting in Davos, high up in the Swiss Alps. That glamorous talkfest takes place in January. But every spring, the WEF comes to the Middle East, for a three-day conference focused exclusively on this crucial region. For the last three years, the conference has been held in Jordan, on the Dead Sea. But this year, the conference has come to Sharm El Sheikh, the famous Egyptian resort on the Red Sea. There is much discussion here about which site is preferable. I can't help framing it this way: Better Dead than Red, or better Red than Dead?

Egypt is proud to have snatched the conference away from the Jordanians (who, regardless, will get it again next year). And this is a critical period for Egypt. Almost every day, the country makes worldwide news, most of it bad: democrats jailed; judges threatened; protesters beaten up. And terror still strikes. In April, bombs went off in Dahab, just north of here. About 20 people were killed. And last summer, about 65 were killed in Sharm El Sheikh itself. In the last year and a half, some 120 people have lost their lives to terror in this Sinai region. But Klaus Schwab, founder and leader of the WEF, refused to cancel or move the conference. For him, he explained in a memo to participants, it was a matter of solidarity, defiance, and determination.

If anyone was deterred from coming here, it doesn't show: Attendance is robust and enthusiastic. And security is tight, not to say stifling. You can hardly turn around without being checked, whisked, or otherwise examined. Indeed, you can hardly turn around. We are in a mini–police state—but I imagine most people are reassured, even as they, as we, chafe.

Egypt may be having problems on the political front, but they are making big strides on the economic front. And they're happy to trumpet it. On the roads to Sharm El Sheikh's Congress Center—specially built for this conference, in under eight months—are signs: "Egypt: Open for Business"; "Egypt: Open for Competition"; "Egypt: Open for Growth"; "Egypt: Open for Change." These are not empty claims, for the facts back them up. Tariffs, taxes, and other barriers are falling; GDP is rising (by a projected 6 percent this year). Inflation has been subdued. Foreign investment is pouring in, and the Egyptians are asking for more.

This burst of liberalization has been overseen by what the country's publicists call a "dream team," a "handful of reformist ministers." They are led by the prime minister himself, Ahmed Nazif. He is the face of what you might call the New Egypt.

Old Egypt, of course, is represented by Hosni Mubarak, presi-

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dent and boss of this country for 25 years now. He officially opens the conference, with a speech in Plenary Hall. Though nearing 80, he seems in blooming health, full of vigor. He looks like he could go on and on, through elections fair and foul. He also looks like a thug—unkind to say, but true. It's not his fault if he looks like a thug; it's his fault only if he acts like one. His speech to us is nothing much: full of platitudes, banalities, and little jabs at the United States. But he concludes with some nice poetry about the Sinai, and its importance to history: Moses and the Ten Commandments; Joseph and Mary's flight with their baby; and so on.

Mubarak takes no questions; but Nazif certainly does, over breakfast with journalists. The prime minister is stubbornly optimistic about his country's future. "There's no turning back," he says—no turning back from the reformist course that Egypt has set. "Some people are scared of change. But I'm not." A full transformation will take time, to be sure. "But we have time. We're not in a hurry." For years, Egypt was "a closed environment," but now it's opening up. "We're not used to it." Habits of democracy will have to be developed. But they will be. Overall, Nazif's message to this inky assemblage seems to be, *Have a little patience, and a little perspective.*

And, like many another politician or government official, Nazif complains about the media, particularly the foreign media. They portray Egypt as a glass half empty, he says. They ignore the good that has been accomplished. And, in any case, "we're filling in the other half!" A reporter attending the breakfast asks about presidential succession: Will Gamal Mubarak, now a big in the ruling party, replace his father? Nazif bristles a little at this. "We are an institutional country," he says, with established processes for such matters. *This is not a banana republic*, he seems to be saying (or a fig-and-date republic). He goes on to say—if I may again interpret—*If Gamal becomes president, it will be in the manner of Bushes and Adamses, not in the manner of the Syrian Assads.*

COMPUTER SCIENCE AND POLITICAL SCIENCE

Later, I interview Prime Minister Nazif one on one. He's an impressive-looking man, in his mid-50s, tall and solid, with a full head of gray-white hair. And he speaks like the intellectual he is. His Ph.D. is in computer engineering, from McGill, and his research was in computer vision. "What's that?" I ask. "In the simplest possible terms, it's making computers understand pictures, images." And "it is a beautiful science." A mark of Nazif's interests and inclinations is his membership in the American Association for Artificial Intelligence.

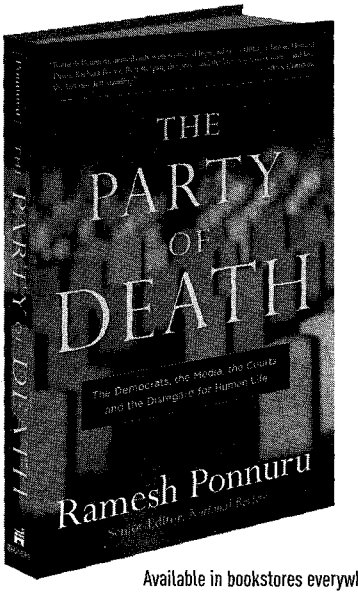
He spent most of the 1970s in the West, returning to Egypt in the early 1980s. As he tells it, the country had experienced the '73 war, the peace accords with Israel, the assassination of Sadat, the rise of Mubarak—"and we were all thinking, 'Where do we go from here?'" The message from the government was clear: Rebuild the country. And Nazif was intrigued with the idea of using computers to lift the country up, or aid it in some way. He worked in academia, business, and government. He co-founded the Internet Society of Egypt, among other organizations. And he served as Egypt's first-ever minister of communications and information technology, from 1999 to 2004. Then he became prime minister.

When you listen to Nazif—and I have heard him on several occasions—you think that you're listening, not to an Egyptian official, much less the prime minister, but to an oppositionist, a dissident. With his talk of markets, democracy, and freedom in general, he sounds like a chair-holder at the American Enterprise Institute. I ask whether he considers himself a liberal democrat. He says he does. And "one thing I've always done is challenge what exists. I'm pro-change, and I'm a builder by nature. Some people criticize in order to find faults; I criticize in order to remove faults, and that's a big difference."

I ask what he thinks of socialism. "It depends on how you interpret it. Socialism in the sense of Egypt in the 1960s, I'm completely opposed to. Because the idea then was, everyone is equal irrespective of their efforts, irrespective of what they give in return. But if by socialism you mean that we have to have some sort of redistribution of wealth to help the poor—yes. Again, though, how do you help the poor? How do you make them change their status? If you give a subsidy with no expectation of

The War Against Humanity

Ramesh Ponnuru Exposes the Democrats' Death Wish



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return whatsoever, you're just encouraging the poor to stay poor. There's no incentive. But if you demand something in return—self-improvement—then you are getting somewhere."

Inevitably, our talk turns to Ayman Nour. He is the democrat who challenged Mubarak in last year's presidential election, and who now finds himself in jail. The charges are absurd, or so many of us find: They have to do with forging signatures on petitions. Nazif gives no quarter on the subject of Nour. Speaking at length, he insists that the judicial process has taken its course, with no interference from "the government" (meaning, Mubarak et al.). He further says that, though the Nour case is a cause célèbre in the West, it is no such thing in Egypt, because it is better understood here. (Indeed, I find evidence at the conference that Arab journalists are put out by attention to Nour. One woman sniffs that the case has been "taken out of proportion." Like others, she is most interested in why Americans aren't hollering about the Egyptian government's treatment of the Muslim Brotherhood, the Islamic fundamentalists.)

And how about Judges Mekki and Bastawisi, who were subjected to disciplinary hearings when they pointed out fraud in recent elections? Again, Nazif makes no apologies, saying that appropriate procedures have been followed in these cases, too, and that they have been badly misunderstood in the West. He maintains that the judiciary has long enjoyed independence in Egypt. "This is not something that must now materialize."

Prime Minister Ahmed Nazif of Egypt

Nazif is not at his most encouraging on these highly sensitive matters. But, on a range of issues—such as Sudanese refugees, the Palestinians, and America's role in the Middle East—he is thoughtful, if not entirely persuasive. I think of a phrase popular, or once popular, in American culture: "as good as it gets." Nazif and his allies are as good as it gets in the Arab world, at least among ruling elites. What can an outsider do but root for them?

As I'm parting from Nazif, I remind him of the breakfast discussion about presidential succession. Would he himself be interested in running for the post? Like most any other politician, he smiles and demurs: "I think it's too early even to think about something like that, but I don't see the presidency in my future." I think of another American expression, this one from politics, which I adapt: Egypt could do worse, and probably will.

SONS AND SAVIORS

Will it be Gamal Mubarak who succeeds the incumbent? He is head of the policy secretariat of the National Democratic Party, or NDP. He has just come back from meetings in Washington, including with President Bush and Vice President Cheney. At Sharm El Sheikh, he talks a very good game—a reformist and liberal game. Whether he is for real remains to be seen. I have observed Saif Qaddafi, the Libyan dictator's son, at Davos. Gamal seems the more promising character, I must say. And Robert Zoellick, the deputy secretary of state, weighs in interestingly. In a session with journalists, Zoellick says that Gamal seems intent on overhauling his party, while "what I will politely call the more traditional NDP leaders I have met" exhibit no interest in change whatsoever.

Zoellick notes that the Egyptian government has made a number of "mistakes" lately. Like what? "Like beatin' people up," when they have taken to the street to protest. But, he says, we should not overlook the changes that have already occurred in Egypt. Five years ago, citizens would not have demonstrated—it was too dangerous. It's still dangerous, manifestly, but less so. And a major Egyptian businessman, M. Shafik Gabr—chairman of the Arab Business Council—says something memorable, in a panel discussion. "When I talked about privatization 15 years ago, I was called a traitor to the Egyptian government." Not anymore. Privatization is the policy of the government. And Gabr may be the first person I have ever heard use the phrase "trickle down" underisively.

On this same panel is another apostle of change in the Arab world, or rather, the Muslim world: Shaukat Aziz, the prime minister of Pakistan. He is a smooth, smooth operator, a former executive with Citibank. He remembers being "an armchair critic, sitting in my office in Manhattan"—but he went home in the late 1990s, to participate in his country's hoped-for revival. He lists the elements of a country's success: "liberalization, deregulation, privatization, transparency, improvement in governance." This is sweet music, and you could call it the World Economic Forum's theme song. Aziz spends some time on resistance to change—"a natural human trait." In his telling, the entrenched interests in Pakistan have resisted change fiercely. But they have not been successful. "Globalization is upon us," says Aziz, "it is not a cliché." Having said that, he cites a cliché, and a true one: "Globalization is a tidal wave: You can either ride it, and go far; or resist it, and be swept away."

He emphasizes the need to explain to people what you are doing, as you go. In many parts of the world—Reaganites will have a hard time believing this!—"deregulation" is a dirty word. People interpret it to mean an abdication of governmental responsibility, a laying bare to predators. This mindset must be amended. And the prime minister tells several illustrative, and amusing, tales from Pakistan. For example, do you know what it's like to inform the communications ministry that it is no longer running the phone company? *What? Not running the phone company? But that's why we exist!* That is why they used to exist.

Yet another reformer is Bassem Awadallah, formerly finance minister of Jordan, now director of King Abdullah's office. He makes the point that, "if reform were easy, it would have happened a long time ago." Governments don't reform on their own, out of some moral awakening; they do so when crisis is upon them. And that opens the way for "a culture of meritocracy, the rule of law,

ROMAN GENN

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freedom of expression." Some countries are moving faster than others (and some are not moving at all). But pace of change matters less than that "the train is moving in the right direction." Like many others at this conference, Awadallah stresses that governments must make room for legitimate parties, a legitimate opposition. People must have choices other than the status quo or radical Islam; otherwise stalemate or disaster is ensured.

BEHOLD AN ARAB BLOG NETWORK

One bright morning, I moderate a panel on new media in the Arab world, and it has a title: "The Revolution Will Be Televised." There is no doubt that new media are making a difference in this region. Cable television is prominent, yes. But the Internet is increasingly a factor, and so are cellphones: on which text messages are sent. These messages fly around the Middle East (for purposes vile or wholesome). Young journalists are present at this discussion, and they are encouraging: moderate, enlightened, reform-minded. The best of them have no desire to work for state-run media, and no desire to be bosses in them. They want independence, and a multiplicity of views.

A Palestinian says that taboos are being broken down. For example, in the territories, it used to be impermissible to discuss sexual harassment; now it is possible. And it's a pleasure to be introduced to iToot.net. This is an Arab blog network, run by a young Jordanian, Ahmad Humeid. On this network, freedom of expression is not merely an abstraction; it's a fact. And this is something fairly new under the Middle Eastern sun. Governments can always crack down, and some of them already have. But people, in general, are getting bolder. Someone on the panel suggests that there is all too much information on the Internet. Someone else counters, "Too much information! The thought of it makes my heart glad!"

What there is no debate over, really, is whether Muslim countries can become democratic. Rightly or wrongly, it is taken for granted. One afternoon, I decide to put the question to the Turkish prime minister, Recep Tayyip Erdogan. "Some people say that Islam and democracy are incompatible. What do you say?" Erdogan answers that his response need not be verbal; he can simply point to his country, Turkey. "We are a country in which 98 percent of the people happen to be Muslim. And we are a democracy, in which the rule of law, secularism, and the fundamental rights of liberty are held dear." Erdogan makes the common observation that Turkey is "a bridge between the Arab world and the West." And since many eyes are on Turkey—if I'm interpreting the prime minister correctly—"we are condemned to success." An arresting phrase, that: "condemned to success." Turkey cannot afford to fail, he seems to be saying; it needs to set an example.

Bob Zoellick says that, when he comes to the Middle East, he can sense the old order breaking down. He had the same kind of feeling in the last years of the Cold War. Not that the two situations are identical. He paraphrases Mark Twain: History doesn't repeat itself, but sometimes it rhymes. And Zoellick has little patience for those who say that democracy has no chance here. He recalls being a teacher in Hong Kong, in 1980. And his Chinese students said, "Oh, democracy's not for us—not for us Asians. They have democracy in Japan, in some odd form. But that's an exception." And now, says Zoellick, we see democracy in South Korea and Taiwan. And, to varying degrees, in other East Asian countries as well. "I don't believe anyone is immune to democracy."

Depending on what you choose to emphasize, you can say that the Middle East is going brilliantly, or going abysmally. We are all under the influence of the last person we have met, or the last article we have read. The truth is, all the good news is true; and all the bad news is true. Which is more important, and which will win out in the end? In Egypt, there are bright faces, like Ahmed Nazif, and that "dream team." And then there is Muhammad Abd al-Fattah, a member of parliament, who recently said that "9/11 was carried out by American agents," so that "Bush would have a pretext to declare war on Islam." But I have a feeling that these people—the authoritarians and the nut jobs—are yesterday's men. And that the liberals, or relative liberals, I have met are tomorrow's men. That train that Bassem Awadallah mentioned? Whatever its pace, it seems to be moving, and not backward, either. **NR**

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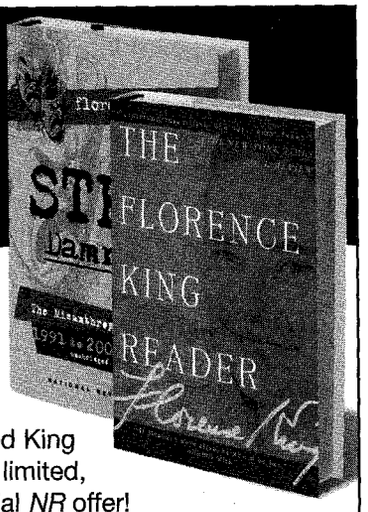

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■ ESSAY

Old Profession, New Toleration

The state of prostitution, and the harm it causes

ROGER SCRUTON

As part of hosting the World Cup, the German government is preparing to ship in prostitutes for the use of the spectators, building special huts around the stadium, and—it seems—not asking too many questions about who obtains the women, by what method, and from where. This is one small but significant instance of a shift in attitude that has recently occurred in Europe. The oldest profession, which has survived for millennia without the benefit of public approval, is now officially endorsed—not merely legalized, but welcomed into the fold of the "inclusive society." It is even politically incorrect to use the term "prostitute": People on the left prefer "sex worker," implying that the hint of disapproval contained in the old name is a mark of discrimination that has no place in a postmodern society. Proposals to introduce trade-union rights and pension funds for these newly discovered "workers" have been debated in France and Germany, and the implication—that the state should tax their earnings—is accepted as entirely unproblematic. Visitors to Amsterdam have long been familiar with the market in female flesh that surrounds the Old Church. This church, the oldest in Amsterdam, is a symbol of Calvinist piety and famous for its music. On their way to the lesser business of worship, the choirboys now pass a window display of nudes, performing like sluggish snakes in their heated cages of glass. And, although the Dutch themselves have awoken, somewhat late, to the consequences of a demoralized public culture, the rest of Europe is intent on following their example, and sanitizing this last dark corner where the puritan conscience reigns.

Official toleration is, in this matter as in so many others, the work of people largely protected from its consequences. Our legislators do not live in the areas of cities where prostitution is flagrant; they do not have to deal, in their daily lives, with the network of pimps and racketeers who live from the earnings of their female slaves; they do not have to fear for their daughters, now that the trade can be constantly resupplied from those places in the European hinterland where crime and cruelty are the norm. At the same time, so horrendous are the facts that the liberal conscience has an added reason for ignoring them. It is never pleasant, after all, to deal with the real consequences of human freedom. Prostitution in London, which was once a local industry among "fallen" women, supporting another local industry of philanthropists intent on rescuing them, is now largely run by illegal immigrants from the Balkans. These people do not conform to the standards adopted by the liberal conscience. The girls whom they bring with them are captured or purchased when too young to resist. Attempts to escape are severely punished by beating or torture, and communication with the outside world is expressly forbidden. Only in one particular do these girls conform to the ideal of the "sex worker" as now defined: Their earnings are taxed. That is to say, the pimp takes the lot, handing back what is required, as Marx would put it, "to reproduce their labor power." If ever there were a case of exploitation, this is it.

It is still a crime in English law to "live off immoral earnings," though it is anyone's guess how long this provision will remain, now that the word "immoral," used in the vicinity of sex, is regarded as anachronistic. In any case, it is hard to punish this crime and harder still to prevent it. Witnesses are reluctant to come forward to accuse those members of the Albanian mafia who dominate the London scene; the girls themselves—often monoglot captives from the mountain villages—risk death should they make contact with the police. The customers are happy with a deal that offers youthful flesh at rock-bottom prices. And attempts to deport illegal immigrants are now more or less futile, with "human rights" lawyers specializing in offering Her Majesty's protection to Her Majesty's enemies. The idea that a modern Gladstone could walk the streets of Soho in order to rescue the victims of this trade is laughable. Even supposing there were such a person, able to survive the public mockery of his beliefs, he would not last long in a world where assassination is the normal way with intruders.

THE UPRIGHT AND THE FALLEN

Many factors have contributed to our current demoralization. Perhaps the most important is that to which I have already referred: the refusal to believe that there are "immoral earnings." In a culture in which girls are encouraged to be as promiscuous as boys, it is hard to insist on an absolute distinction between the upright and the fallen woman. Sexual liberation has made disapproval into a private matter, to be expressly kept out of the public domain. And women themselves have every reason to sympathize with the prostitute. Many of them, encouraged along the path of liberation, discover that sex really does have a cost. The men come and go, leaving heartbreak and insecurity in their wake. And if sex has a cost, why not insist on compensation? A woman who gives herself begins to look like a fool, when she gives herself for nothing. Why not sell herself instead? At least she will stand a chance of a fair and honest deal.

The prostitute used to be seen as the enemy of respectable women. She threatened the bargaining power of her sex, by offering cheaply what others were trying to offer at the highest possible price, namely marriage. She was immoral not because she satisfied the masculine urge to sow wild oats, but because she compromised the status of women, as companions who could not be purchased for an hour, but only for a lifetime. Sexual liberation has rubbed out that clear perception of the matter. Even if many people still feel that there is something sordid in reducing sex to a financial transaction, the difference between prostitution and

Mr. Scruton's latest book is *A Political Philosophy*, from Continuum.

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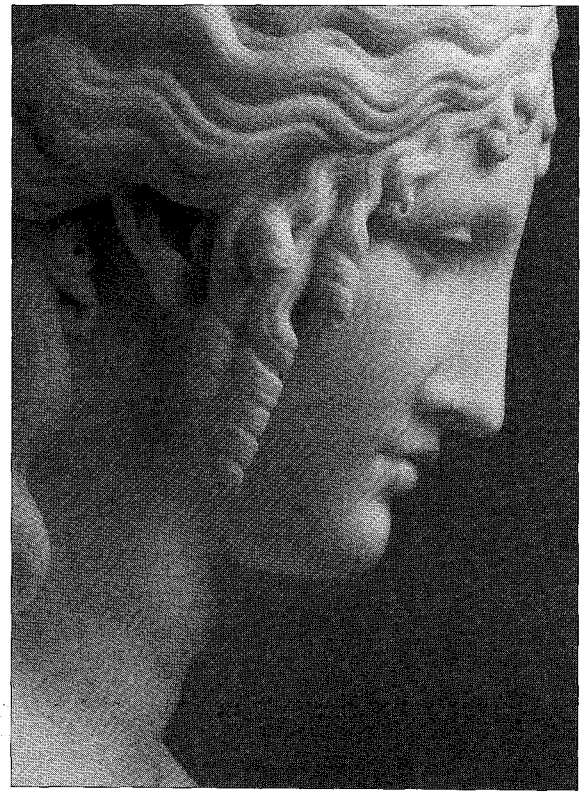
marriage, in a world of prenuptial contracts and no-fault divorce, is, in the eyes of many people, no more than a difference of degree. Prostitution no longer looks like a threat to the moral order: At worst it is a threat to the woman, who puts herself at the mercy of strangers while at the same time removing any motive they might have to respect her.

But there is more to the matter than that implies. For instance, there is the problem posed by beauty. Female beauty is a powerful social force—more powerful than money, more powerful than physical strength or intellectual acumen. The Trojans were destroyed by the beauty of Helen, Dante redeemed by the beauty of Beatrice, post-war Britain restored by the beauty of the young Queen Elizabeth. Hence we are in awe of female beauty and reluctant to see it as a physical asset, or to allow it to be marketed for its financial worth. Beauty is a symbol of the ideal. It cannot be possessed or consumed, any more than a melody in music can be possessed or consumed by the listener. It is forever unassimilable, a mark of the inherent meaning and purposefulness of human life. In the presence of beauty, therefore, we are inclined to adore, to worship, to sacrifice. For this reason beauty is a powerful stimulus to marriage, and beautiful women who marry do a lasting service to their sex. They cease to be competitors, and at the same time set an example. All women can take hope from them, knowing that, in the light that shines from a face that is both beautiful and devoted, they too may exhibit some reflected glow.



Helen of Troy: a destructive beauty

ANTONIO CANOVA/MIMMO JODICE/CORBIS

But suppose a beautiful woman takes the other path. There is no limit to the amount of money that a Brigitte Bardot or a Marilyn Monroe could command as a whore, no limit to the havoc she could create on the rare occasions when she would be compelled by financial necessity to cash in her assets. And by behaving in this way she would also degrade the idea of beauty: No woman could easily be set on a pedestal in a world where the fiscal benefits of beauty are fully exploited. And it would be a world full of anger, a world as threatened as Troy was threatened, once Helen was brought within its walls.

Aristocratic societies have solved the problem of beauty through the institution of the courtesan, whose presence helps to reconcile the otherwise conflicting conditions of sociable leisure and faithful marriage. The courtesan is not a prostitute, and cannot be purchased by money alone. She must be courted and flirted with; she must be lured into a quasi-marriage, in which she enjoys protection for a finite time while retaining her independence and her social freedom. Her role depends on her beauty, whose destructive potential is neutralized by her temporary attachments. She protects chaste women from predators, to whom she is easy game. And she offers mild temptation to husbands, thereby peppering the bland diet of marriage with the spice of jealousy. Outside the peculiar conditions of an aristocratic culture, however, the courtesan cannot survive. She is the first casualty of sexual liberation. By placing aristocratic freedoms within the reach of every attractive woman, liberation deprives those freedoms of their glamour and therefore of their point.

THE BODY AS POSSESSION

Prostitution of the kind that we now witness in Europe, in which children are captured or sold into servitude, is hardly a crime on the victim's part. She cannot be blamed for a career into which she is forced by violence and intimidation, and from which she can escape only by risking her life. But her condition shows what is wrong with her trade. The one who volunteers for that trade is treating herself exactly as the pimp treats his victim. She is acting at one remove from her body, which has become a thing to be exploited, rather than the thing that she is.

The human body is not a possession; it is—to use the theological term—an incarnation. It is a subject, the focus and source of personal love, and not a mere object to be used. A woman doesn't own her body, any more than she owns herself. She is inextricably mingled with it, and what is done to her body is done to her. If she sells her body for sex, it is not sex that she is selling. For sex can be sincerely offered only if it is sincerely wanted by the one who offers it. Both prostitute and client are therefore engaged in an elaborate deception, each cheating the other, the one by pretending to sell sex, the other by pretending to buy it. Sex and contempt are adjacent regions in the psyche of the typical client; and a prostitute must willingly accept that she is being spat upon. The transaction that unites her to her partner also divides them, and this cold, hard meeting of strangers in total intimacy constitutes a deep violation of intimacy and all that it means.

It is odd that the German government should be offering this public endorsement to prostitution, at a time when that government is led by a woman. For women are acutely aware of the nature of sex, as a tribute from one self to another. To treat it as a commodity that can be bought and sold is not to offer it but to destroy it. The condemnation of prostitution was not just puritan bigotry; it was a recognition of a profound truth, which is that you and your body are not two things but one, and by abusing the body you harden the soul. Women have always been aware of that, and as a result have both feared prostitution and also been tempted by it, since it is a road out of womanhood and an escape from the burdens of womanly love. However it is a road that is seldom traveled in the opposite direction. **NR**

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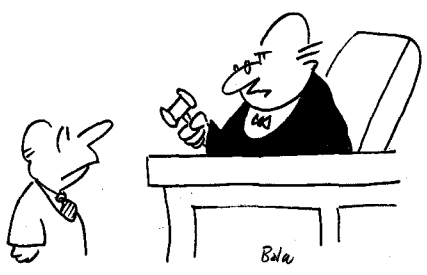
HELP!!!!

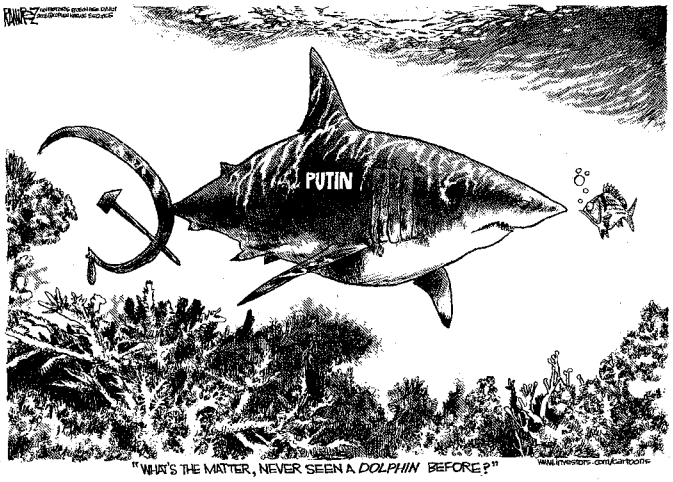
McCain Makes Nice

There have been bumps; Bob Kerrey's kids
Attacked him like aroused El Cids,
But that's New York. Earlier, he
Left Falwell's university
With gown intact. Now, as June wanes
Along with John's commencement pains,
One wonders if he'll entertain
A rapprochement with Hanoi Jane.

—W. H. von Dreele



"Are you positive? You sure don't look innocent."



AL GORE ENJOYS THE PREMIERE OF HIS NEW MOVIE ABOUT GLOBAL WARMING.

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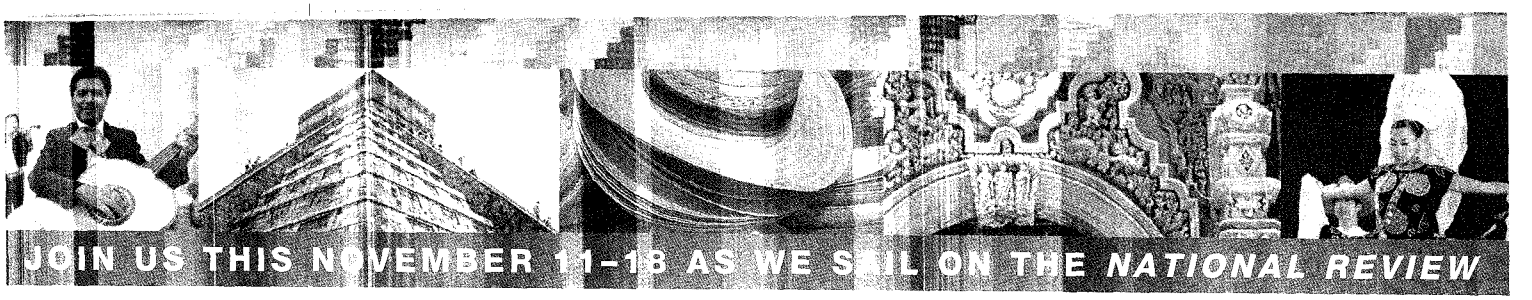

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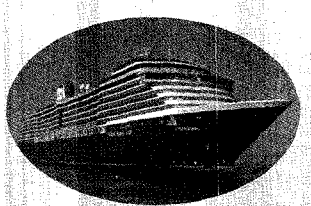

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SUN/Nov. 12	AT SEA			morning/afternoon seminars evening religious services
MON/Nov. 13	Cabo San Lucas (Mexico)	8:00 AM	6:00 PM	late-night smoker
TUES/Nov. 14	Mazatlan	8:00 AM	6:00 PM	
WED/Nov. 15	Puerto Vallarta	8:00 AM	11:00 PM	evening cocktail reception
THURS/Nov. 16	AT SEA			morning/afternoon seminars late-night smoker
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the long view

ROB LONG

Barrington & Cutler
Washington, D.C.

RE: Clinton/Clinton Side Agreements

Dear Steve:
Many thanks for your kind note last week, and for your follow-up phone call. I enjoyed our conversation, and agree that as we enter the political cycle of 2006–2008 we need to keep the lines of communication open. Our respective clients deserve nothing less than professional legal representation to keep their marriage strong, loving, and enduring.

As I take over as counsel to Sen. Hillary Clinton, I have begun to familiarize myself with the terms of the most recent set of side agreements. I apologize that it has taken me this long to get "up to speed," but, as you know, the Clinton/Clinton materials cover 16 separate contracts and over 23,000 pages. I remember sifting through similar cartons of documentation when I was working on the proposed breakup of AT&T!

Levity aside, I am concerned by several recent instances whereby it seems your client, former president Bill Clinton, has acted contrary to the Continuation of Marriage Agreement (CMA), specifically Appendices S and BB, in which certain persons are "struck" from the list of Approved Companions (as listed in Appendix LL). I think you'll agree, upon review of the enclosed documentation, that we have a legitimate complaint.

Please respond at your earliest convenience so we can put our clients' marriage back on a loving, committed track.

Regards,
Joe

Wachtell & Zabel
New York, N.Y.

RE: CMA Appendix LL Noncompliance

Dear Joe:
I appreciate your recent note. As you know, I was one of the original attorneys on the Clinton/Clinton CMA negotiations, which began in late 1999 and continued to June 2001. I, along with your predecessor and 37 other attorneys, hammered out a very solid document, which provided our clients with the legal tools required for their loving matrimonial bond. Truly, two people have never loved each other as deeply as our clients, as their willingness to set forth 23,000 pages of detailed legal agreements attests.

I'm troubled by what I can only interpret as a disingenuous interpretation of the Approved Companions list set forth in Appendix LL of the CMA. It was always the understanding of both parties—see the Side Agreements section, page 266—that certain enduring friendships pre-dating the CMA, while not included in the Approved Companions section, are nevertheless "grandfathered" in. I think you'll agree that Ron Burkle, who now appears to be unacceptable to your client, falls under this "grandfathered" category.

This disagreement is ill-timed and needlessly argumentative, especially coming on the heels of what we here regard as a very successful *New York Times* article on the rock-solid, deeply romantic marriage of our two clients.

I look forward to your response.

Regards,
Steve

Barrington & Cutler
Washington, D.C.

Dear Steve:
Many thanks for your prompt reply to my letter. I am of course aware of the fungible nature of the Approved Companions list, and of the "grandfather" clause that includes Ron Burkle, the scandal-tainted supermarket magnate often seen in the company of celebrities, rap stars, and supermodels. Indeed, the *New York Times* article you reference mentions him as one of your client's frequent companions.

As I'm sure you're aware, the "grandfather" provision was intended to be revisited on occasion. It is very difficult, if not impossible, for our client to continue to implement her plans—see Section A of the CMA: Political Career Advancement, Transition, and Improvement Clause, pages xxiv–xcii—if your client, her loving and devoted husband, continues his association with Mr. Burkle.

Please advise at your earliest convenience.

Regards,
Joe

Wachtell & Zabel
New York, N.Y.

Dear Joe:
I spoke to my client on this matter. He is, of course, always willing to be complaisant to your client and her wishes, and therefore offers to curtail his encounters with Mr. Burkle on a step-down basis until January 20, 2009.

After that date, however, his plans remain hazy. Perhaps your client can shed some light on these. Will my client be occupied in matters of state and world affairs at such time, or will he be idle?

Please respond as soon as possible.

Best,
Steve

Barrington & Cutler
Washington, D.C.

Dear Steve:
I have spoken at length with my client. She thanks your client for his willingness to compromise on this matter, and especially his willingness to deal with this concern through legal counsel, rather than resorting to the time-consuming, difficult-to-schedule process of face-to-face communication between husband and wife.

Upon complete avoidance of Ron Burkle and upon completion of the second bullet point in the Political Career Advancement clause, she directs me to offer to your client the ambassadorship to the U.N., or some such position.

If this is agreeable to your client, please advise by COB today.

Regards,
Joe

Wachtell & Zabel
New York, N.Y.

Dear Joe:
Enclosed please find the executed documents for the revised Clinton CMA, Appendix LL. For purposes of clarity, Ron Burkle's name has been added to the list and subsequently crossed out.

Best regards,
Steve

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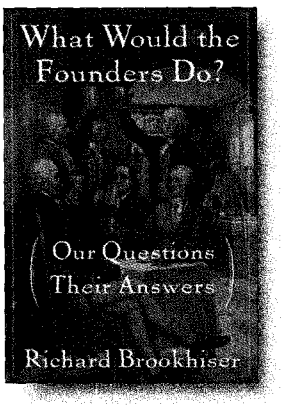

What Would the Founders Do? Our Questions, Their Answers, by Richard Brookhiser (Basic, 261 pp., $26)

MICHAEL KNOX BERAN

Few countries have a governing tradition that merits a cult of the creators. In the two centuries since the ratification of the U.S. Constitution, France, Germany, and Russia have undergone revolutions, and each has witnessed the rise and fall of a number of regimes—most of them failures. America's revolutionaries, by contrast, succeeded, and did so in such arresting fashion that we reflexively look back to them as to an oracle. What can they tell us, Richard Brookhiser asks in his new book, about the questions that perplex us today?

What Would the Founders Do? is the first of Brookhiser's books on the early republic in which he writes, not about a particular lawgiver, but about the group as a whole. An interesting feature of this exercise is a certain softening in the author's attitude toward Thomas Jefferson. In his earlier books Brookhiser was always scrupulously fair to Tom, but there was an underlying unease. In *Founding Father* and *Alexander Hamilton*, Brookhiser exploded the myth that Federalism was the creed of Washington's senility, the counter-revolutionary philosophy of a rebel in his dotage; TJ inevitably played the part of foil. In the new book, Jefferson emerges as one of the revolutionary worthies, and although Brookhiser has by no means dispensed with his doubts, he gives the man his due.

Of course, in a book which builds on the idea of the Founders' talent, it is only natural that Jefferson should be a central figure. We scrutinize the Founders' parchment for clues to guide our conduct today precisely because they were smart. Their "talent level," Brookhiser writes, was "humiliatingly high": "At a time when the population of the country was under four million, and everything west of the Alleghenies was bison, if you scraped the bottom of the barrel of the Washington administration, you found Henry Knox. Some barrel."

Why were the Founders so smart? Possibly this "greatest generation" of law-giving talent was the result of chance or providential dispensation. Those whose intellectual taste (like that of the Founders themselves) runs to the empirical seek to explain the early flourishing by pointing to the conditions of the late 18th century, when the mind was freer than it had been before, and when it was in some respects broader than it can be today. The mold of the Middle Ages had been shattered, but specialization had not yet narrowed men's horizons. A century before the American Revolution, when Oliver Cromwell emerged victorious in the English civil war, he styled himself "Lord Protector"—a patent mediævalism. A hundred years after the Constitution was adopted (so fast did the division of intellectual labor progress), the heroic polymathy of Jefferson or Hamilton was all but unthinkable. Not even the most gifted mind could hope to master simultaneously Greek prosody, political economy, the latest scientific developments, light literature, and political hardball in the way the most brilliant of the Founders did.

Whatever the cause of the explosion of talent, it cannot by itself explain why the Founders succeeded and why we today repair to them as the ancient Greek betook himself to Delphi. France boasted figures of comparable prowess: In genius and intellect Bonaparte and Talleyrand could hold their own against Hamilton and Jefferson. Yet the French Revolution ended in disaster and despotism, while the American resulted in freedom and constitutional stability. Were the Founders superior in character to other revolutionaries? Maybe; but, as Brookhiser demonstrates, they had their peccadilloes. True, their standard of *public* virtue was lofty; but when has public virtue determined the success of a revolution? Brutus and Cato possessed the most complete public virtue; yet the Roman Revolution ended in blood and tyranny.

Perhaps the success of the American revolutionaries owed less to their own genius than to the mildness of the regime against which they took up arms. Few people in the 1760s and '70s were as little oppressed as the American colonists. "Why," Macaulay asked, "was the French Revolution so bloody and destructive? Why was our [English] Revolution of 1641 comparatively mild? Why was our Revolution of 1688 milder still? Why was the American Revolution, considered as an internal movement, the mildest of all?" The violence of each of these revolutions, Macaulay argued, was "exactly proportioned to the pressure,—the vengeance to the provocation." The American revolutionaries succeeded, in other words, because they had so little to revolt against.

There is, Brookhiser shows, something in this argument. The Americans, in making their revolution, enjoyed most of the blessings of English government, and they had before their eyes the example of a successful English revolution—the Revolution of 1688. By the end of the 17th century, Brookhiser writes, "Britain arrived at a stable settlement of its differences. The king who replaced James II, William III, accepted the political primacy of parliament, divided into a hereditary House of Lords and an elected House of Commons. The Church of England was recognized as the national established faith, but religious minorities, such as Catholics and Quakers, though penalized in various ways, were no longer hounded. Politicians abandoned warfare and coups in favor of factional fights; office and enrichment, not social or religious utopias, became the goals of statesmen."

The Revolution of 1688 and the Whig

Mr. Beran is the author of *Jefferson's Demons: Portrait of a Restless Mind.*

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legislation that followed supplied the blueprint for every subsequent "Anglosphere" revolution and reform movement. In a relatively short span—between 1680 and 1720—free, stable, representative government emerged in England. Before the 1680s, the loser in a struggle for power went to the Tower, and he often lost his head. At a later date, the vanquished statesman got a medal from the sovereign and was "kicked upstairs." The phrase itself, a sign of the changing times, became current in the 1680s, when Lawrence Hyde, Earl of Rochester, was sacked as First Lord of the Treasury after a political prosecution. Instead of being attainted of treason, he was promoted to the empty dignity of Lord President. "I have seen many people kicked down stairs," quipped Lord Halifax, "but my Lord Rochester is the first person that I ever saw kicked up stairs."

The modern free state was born in late-17th-century England, and the American Founders were close enough to the English example to preserve its most sensible features. Like a lawyer who prepares a new contract by marking up the last one, the Founders lifted words, phrases, arguments directly from the English precedents. At the same time, Brookhiser observes, the Americans designed their republic in blissful ignorance of the next great moral and spiritual upheaval: The "Romantic age came too late for the Founders. It was as remote from them as Marx, Freud, or postmodernism. By missing the Romantic revolution, they missed the urge to uncover an authentic inner core, which we, as Romanticism's late children, still feel. The Founders were always either learning, via their senses, or learning to control themselves."

The pre-Romantic mind of the 18th century was, T. S. Eliot said, a "mature mind: but it was a narrow one"; John Henry Newman complained of the "dryness and superficiality" of the neoclassical sages. The poetry of the 18th century means less to us today than that of the ages that preceded and followed it; but where constitutions are concerned, the qualities of maturity and self-control valued by the Augustan temperament were wholly a blessing. Their love of order and restraint enabled the chief political actors to resist the utopian impulses that Romanticism was subsequently to nourish. When, at length, an American statesman shaped by the Romantic tradition appeared, and obtained power in a revolutionary moment, he devoted his genius not to overthrowing but to protecting the Founders' 18th-century achievement. At Gettysburg and in the Second Inaugural Address, Abraham Lincoln used Romantic techniques to strengthen the neoclassical Constitution. The Romantic mind gloried in the highly colored poetry of the past; Lincoln rallied the North with a quasi-religious rhetoric derived from the Bible and the country's earliest spiritual inspirations.

Brookhiser builds his bridge between two eras with style and wit; in compiling a list of the blogs the Founders would be writing today, he hits every bull in the eye.

By contrast, countries without an 18th-century political tradition—regimes founded solely on a Romantic inspiration—have fared less well. The difference between Lincoln and his contemporary Otto von Bismarck is instructive. Bismarck, like Lincoln, had been influenced in his youth by Byron and the poetry of Romanticism; his rhetoric, like Lincoln's, was pregnant with the figurative language of the past. The philosophy of "blood and iron" was shot through with the spirit of the primitive Teutonic myths and romances—but Bismarck used this poetry, not to strengthen free institutions, but to destroy Prussia's fledgling liberal tradition. No wonder Americans are grateful for their 18th-century revolutionaries, narrowness and all.

In speculating on the Founders' answers to contemporary questions—from WMD and American imperialism to school vouchers and the English Only movement, from gun control to women's liberation—Brookhiser has performed an important service. Ever since Sir Herbert Butterfield published *The Whig Interpretation of History* in 1931, historians have been absurdly afraid to connect the experience of the past to the questions of the present. Brookhiser defies Butterfield's strictures, and the result is illuminating. Though a bare list can't convey the richness of his argument, here's a sample of Brookhiser's insights: The Founders "would not have fought a war on drugs," nor would they have made guns illegal, though they would have subjected them to necessary laws. The Founders for the most part preferred self-help and private charity to public welfare; Hamilton, were he living today, would favor Social Security reform. They rejected guerrilla tactics and terrorism as instruments of warfare, but they approved of covert ops. Some of the Founders believed that the draft should be "an option," and Hamilton favored preemptive war in certain circumstances. The Founders set the terms of the immigration debate but supply no black-and-white answers; and although there is no proof "that even a minority of Founders thought that all men and all women were created equal," a carelessly drawn New Jersey statute that permitted women to vote was allowed to stand for three decades. Hamilton had a simple remedy for natural disasters such as Katrina ("he would expect mayors, governors, and the president of the United States to show 'energy in the executive'"); the Founders' notion of the "peace of families" was more sensible than Justice Douglas's dream of "zones of privacy" that emanate from the "penumbras" of the Bill of Rights.

Brookhiser builds his bridge between two eras with style and wit; in compiling a list of the blogs the Founders would be writing, were they living today, he hits every bull in the eye. Much of the pleasure afforded by *What Would the Founders Do?* derives from the epigrammatic sparkle of its sentences. One can learn a lot from any of Brookhiser's books about how to distill the essence of a complicated idea in a couple of sharp and picturesque clauses, but the gift is especially evident here, where even abstruse questions of finance are readily comprehensible.

America, Brookhiser observes, is a young nation, but its republic is old. "We are aged children, or sprightly oldsters. Our Founders are close by, and they cast long shadows." That the Founders *are* close by today is due in part to Brookhiser himself, who—in this, his sixth book on the early republic—has again cut through wig and powder to show us living men. **NR**

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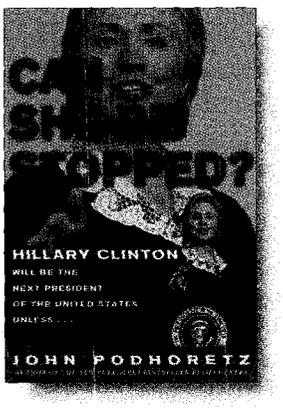
Woman of The Future?



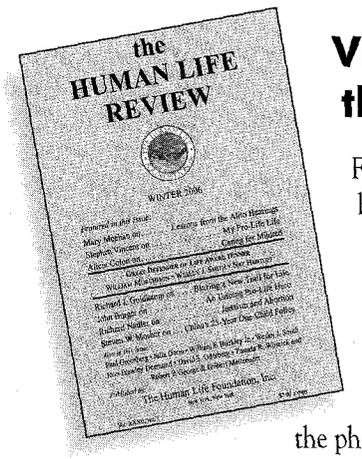
Can She Be Stopped? Hillary Clinton Will Be the Next President of the United States Unless . . ., by John Podhoretz (Crown Forum, 272 pp., $26.95)

R. EMMETT TYRRELL JR.

GIVEN the momentous egg from which they were hatched, Bill Clinton and his lovely wife Bruno's significance at the center of American politics since the 1990s has rarely been adequately explained.

They were members of the 1960s generation. In their college days, during the late 1960s, they were prominent among the protesters and campus radicals. As the cliché had it, they were members of "the most idealistic generation" at least since the Founding Fathers. And, truth be known, these idealists did shake the foundations of the Republic. Throughout the 1970s these "kids" of the 1960s were credited with establishing new moralities, new lifestyles, and lifting rock & roll into the realm of Art & Philosophy. Then the Reagan Revolution took place, and center stage went to the conservatives. But the "kids" from the 1960s were still at work

Mr. Tyrrell is the founder and editor-in-chief of *The American Spectator*. His books include *The Liberal Crack-Up*, *The Conservative Crack-Up*, *Boy Clinton: The Political Biography*, and most recently *Madame Hillary: The Dark Road to the White House*.



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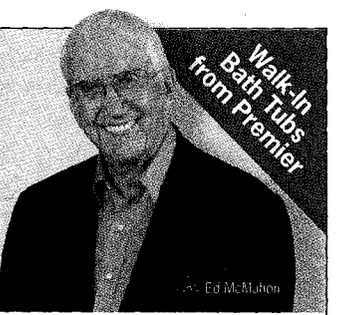

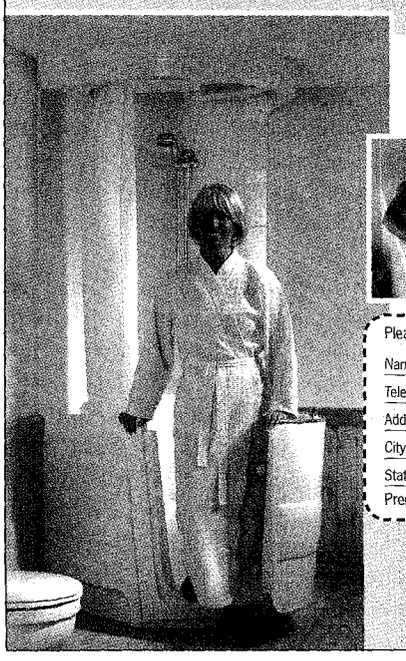

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in the Republic. Driven by their peculiar ambition, arrogance, and amorality, they were burrowing into the newsrooms, the college faculties, and even the corporate world. There had always been a large gob of hypocrisy in their radicalism, and hustling upwards in the bourgeois world while claiming to a new morality and radical insights was characteristic of this hypocrisy. The Clintons' unique presidency, then, should be seen as the consequence of a unique generational upheaval. The 1960s kids had arrived at the White House to make good on all their claims to moral and intellectual superiority. That they made such a bust of it reveals the hollowness of those claims; that so little is said about their link to "the most idealistic generation" suggests a cover-up.

Those cogenerationists of the Clintons who burrowed into the newsrooms, the faculties, and the corporate world were by the 1990s very influential. They polluted the political culture of the country with their higher morality, their sophistications, and their stupendous hypocrisy. They gave us a *Kultursmog* laced with the pollutants of their politics. Consider this: No political couple—indeed, no political figure—in American history was caught lying, obstructing justice, or abusing power as frequently as the Clintons. Seven independent counsels were called in. The Clintons could not even leave the White House without causing further scandals—to wit, Pardongate, the trashing of the White House, and the pilfering of White House property. Time and again they got caught, and every time they were given a pass by the keepers of the *Kultursmog*. Something vast had happened since the days of Watergate. The 1960s generation's radical kids had come to power. Consequently the Clintons, who in terms of character and achievement are at one with the Hardings, are now celebrities, dominant forces in the Democratic party, and poised for a return to the White House in January 2009.

John Podhoretz has taken it upon himself to see that this does not happen. He is from a younger generation and a different political persuasion. He wants to end the 1960s here and now, and he has a plan to keep Hillary and her tribespeople from the "Summer of Love" out of the White House.

In his thoughtful and informed new book, *Can She Be Stopped?*, Podhoretz debunks many of the *Kultursmog*'s legends about the Clintons. For instance, he writes, "Despite the universal praise for Clinton's astounding political skills, . . . [h]is vote-getting record is not one any candidate seeking to win the presidency ought to be emulating." He goes on to dispute the smog's fatuous notion that Hillary and Bill have been a great benefit to their party and to the country. He shows that they have actually damaged their party and the country. Their party, beginning in 1994, has steadily declined in strength. The country, from the first bombing of the World Trade Center, has confronted ongoing menace from terrorists whom President Clinton was too timorous to take on.

Podhoretz is the son of Norman Podhoretz and Midge Decter, two brilliant New York intellectuals who were among the real neoconservatives—that is to say, the small band of liberal Democrats who broke with liberalism when it went off into its narcissistic fantasy world in the early 1970s. To be a true neoconservative one has to be at least in one's sixties—and a little embarrassed about the good old days. That the younger hawkish foreign-policy advocates are now called neoconservatives by the media is another example of the sloppy thought that pervades the *Kultursmog*. More accurately these are *conservatives* with a Rooseveltian—not Wilsonian—agenda. They would use far more force than President Woodrow Wilson in spreading Western values—and they would test the limits of the Constitution, as FDR did in confronting Nazism.

The Clintons' unique presidency, then, should be seen as the consequence of a unique generational upheaval.

John Podhoretz is also a seasoned journalist and editor. When he lived in Washington he edited a style page for the *Washington Times* that gave the *Washington Post*'s style page a run for its money. He could do so because he has a formidable knowledge of politics, political history, and popular culture. One of the strengths of this book is Podhoretz's deployment of that knowledge. Throughout the book he demonstrates how the Democratic party slid from being the dominant party to being a party out of touch with mainstream America. One of the critical issues was abortion. In 1972 even George McGovern ran a presidential campaign critical of abortion. "You can't just let anybody walk in and request an abortion," the Democratic presidential nominee then radicalizing the party said; and his two running mates, Tom Eagleton (soon to depart the race) and Sargent Shriver (a member of Opus Dei), were actually adamantly pro-life. But by 1984 being pro-abortion had become mandatory to gain the Democratic nomination. Notes Podhoretz: "Over time, every major Democratic figure with pro-life views—from House Majority Leader Dick Gephardt to Senator Ted Kennedy—abandoned them, even though many traditional Democratic voters viewed abortion as murder."

This same radicalization of the party took place on other issues as well—"issues having to do with the way life is lived in America." Writes Podhoretz: "Liberals oppose capital punishment, support gay marriage . . . believe in preferential treatment for minorities, dislike gun ownership, are uncomfortable or disgusted with public expression of religious belief, and strongly advocate abortion on demand. . . . [These are] highly controversial views that are profoundly offensive to tens of millions of Americans."

The result of this radicalization is that two great blocs confront each other in the electorate: the growing conservative majority, and the Angry Left. Have you heard the Angry Left's obscenity-laced vituperation? Call them the Halitotic Left, and send them a bottle of mouthwash. Podhoretz argues that Hillary will have to keep the Halitotic Left on her side along with the more sedate Democratic rank and file. Those two groups, combined, will give her 40 percent of the electorate.

Podhoretz believes she is cunning enough to do this. But—because of her prior performance in the White House and her votes in the Senate—she will immediately confront a solid bloc of conservatives opposing her, another 40 percent of the electorate. The outcome will presumably be decided by the 20 percent of the elec-

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torate that resides between these two blocs.

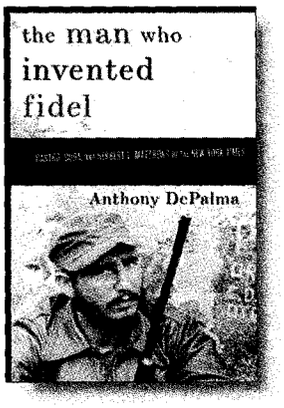
Podhoretz's explication of all the political currents that have gone into the present angry standoff is very illuminating. His collection of facts is bracing, and so is his confidence in the strengths of the conservative side. Repeatedly noting the extravagant passion of the Halitotic Left, he cites the conservative ideas that are responsible for our policy triumphs and, not coincidentally, for driving the Left into its present rage. On the other hand, Podhoretz is not dizzied with optimism. He is aware of the problems now crippling conservatism, especially as it is practiced in Washington today: "policy exhaustion, cronyism, and political corruption." All are matters that the Democrats are exploiting today and that Candidate Hillary will exploit tomorrow.

Yet, as I say, Podhoretz has a plan to beat her. It is a ten-point plan that boils down to forcing her to cultivate the Left and reveal her own left-wing agenda. Along with that, conservatives must stick together and nominate Rudy Giuliani: He cleaned up New York. He can clean up America. He is renowned for his leadership, and only a candidate of proven leadership can beat Hillary.

I have little complaint about all of this, save for one point: I doubt that Hillary will win the Democratic nomination. The *Wall Street Journal*'s John Fund will tell you that no prior Democratic presidential candidate this far ahead this early in the race has ever won the nomination, with the exception of Walter Mondale. Moreover, Hillary—the idealist from the 1960s generation—is about to be caught up in another generational upheaval, and this one will not enhance her power. The Halitotic Left screeching on talk radio and pounding out intemperance on their demented blogs has already displayed its impatience with Hillary's equivocations and threatened a third-party candidate. Her move toward the center to snare the undecided 20 percent will only hurt her the more with these zanies. Come 2007, the Democrats are going to be looking for a fresh face with a clean past.

It is time for generation change in the Democratic party. There is a tension between generations. Plato observed it in Book Nine of *The Republic*. We shall see it again once Hillary sets out for the White House. **NR**

A Dictator's Scribe



The Man Who Invented Fidel: Castro, Cuba, and Herbert L. Matthews of The New York Times, by Anthony DePalma (PublicAffairs, 320 pp., $26.95)

RONALD RADOSH

THE late *New York Times* journalist Herbert L. Matthews is now an almost forgotten name, except, perhaps, among journalism students and those who remember the earliest days of the Cuban Revolution. It was Matthews who, while covering Cuba for the *Times* in February 1957, got the scoop of a lifetime. Fulgencio Batista, Cuba's authoritarian ruler, had announced that Castro and his small band of rebels had been killed by Batista's troops three months earlier. Not trusting the official sources, Matthews sought out the truth. Claiming to be a tourist, he penetrated Batista's military lines and made a harrowing journey through the jungle on foot, eluding government troops and eventually holding his now-famous rendezvous with the young revolutionary.

Matthews's front-page story altered the fortunes of Castro and his beleaguered rebels. Opponents of Batista's

Mr. Radosh, adjunct senior fellow at the Hudson Institute, wrote about the Cuban revolution in the 1960s and '70s, and was editor of *The New Cuba: Paradoxes and Potentials* (1976), which contained his own essay, "Cuba: A Personal Report."

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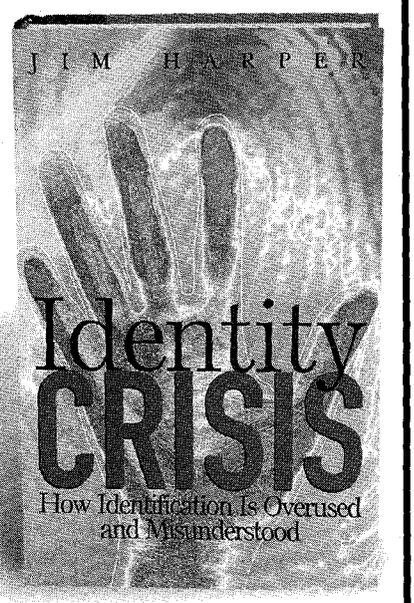

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regime smuggled copies of the banned paper into Cuba, and within a short time Cuba's people learned that Castro had not been defeated, and that he had more troops and followers than anyone had believed. For Americans, the story offered proof that conditions in Cuba were not as stable and calm as Batista had claimed, and that the charismatic young bearded guerrilla fighter was the new democratic hope for a nation tired of tyranny. Castro, after all, had told Matthews he sought only democracy, and was not interested in power for himself. Smitten by Castro, Matthews saw him as a heroic future liberator, a man whose cause he could make his own; Matthews would not just write a newspaper story, but help to make history.

Nor was this the first time that Matthews saw himself as the chronicler of activist heroes. In the 1930s, biographer Anthony DePalma points out, Matthews was a supporter of Mussolini, whose invasion of Abyssinia he backed and whose Fascist armed forces he extolled. By 1936, the civil war in Spain was the new hot story, and—moved by the valiant effort of the defenders of Madrid against Franco—Matthews switched his allegiances and wrote accounts meant to awaken the sympathies of American readers to the Republic's cause. His stories won him the lifelong friendship of the American Communist volunteers who fought Franco in the so-called Abraham Lincoln Brigade.

As a boy, Matthews had admired the danger-defying journalist Richard Harding Davis, whose reporting on the Spanish-American War came to define Theodore Roosevelt's reputation as the hero of San Juan Hill. Castro offered the perfect opportunity for Matthews to make his own left-wing version of TR. Moreover, Matthews was candid that his sympathies lay with Castro's rebellion. "I feel about Cuba somewhat as I did about Spain," he confessed. "One . . . wants to share . . . if only as a sympathizer, what the Cubans are suffering." Thus Matthews, in his own words, became "the man who invented Fidel." Of course, as DePalma notes, that was simple bragging. Castro did not need Matthews to create him; he needed Matthews as a propaganda and publicity tool in Cuba.

In those days, the *Times* had an ad campaign showing average citizens who had obtained jobs through its classified section. A soon-to-be-famous cartoon appeared in National Review, featuring a caricature of Castro with the caption, "I got my job through the *New York Times*." Writing in *The American Legion* magazine, NR's founder, William F. Buckley Jr., charged that Matthews had done "more than any other single man to bring Fidel Castro to power." Matthews, he asserted, had been guilty of "ferocious partisanship" when he displayed the future tyrant as "a big, brave, strong, rebellious, dedicated, tough idealist." The headline of Buckley's article was that of the cartoon. As DePalma notes, the charge "followed Matthews to his grave."

The passing decades have proven Buckley correct. What DePalma reveals, in a riveting book that combines history with a study of the dangers of partisan journalism, is that Herbert Matthews did not want simply to report the facts—which had been distorted by the Batista regime—but to produce a journalism that put him as close as possible to the front lines of the revolutionaries' fight. He was in a good position to accomplish this. Because of his friendship with the *Times*'s publisher, Arthur H. Sulzberger, Matthews enjoyed the particular status of both a member of the paper's editorial board and a reporter who was able to go where he wanted and write news reports for the paper. The arrangement was a clear violation of the paper's own standards, under which the editorial page was separate from the would-be objective reports coming from the paper's working newshounds.

For a while, the Sulzberger/Matthews deal seemed to work well for all concerned. Matthews turned out to be correct about the essential strength of Castro's movement, and setting the record straight was a major news story. Matthews, however, claimed that his visit proved that Castro had a few hundred viable troops under his command; later, Castro publicly humiliated Matthews at an Overseas Press Club meeting in New York, when he claimed that he had fooled the journalist by having the same few men parade around over and over to give the impres-

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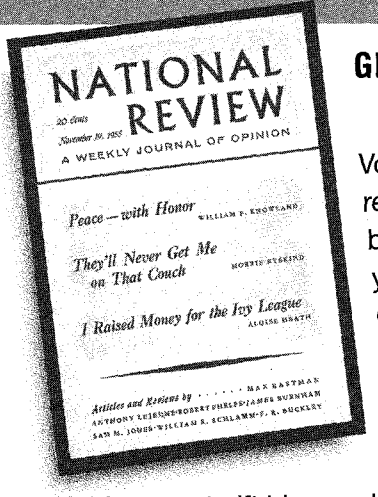
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sion of a greater strength than he actually had. DePalma claims that, in fact, Matthews was essentially correct; he may have slightly overrated the number of Castro's men under his command, but the truth was that Castro had more guerrilla fighters than Batista and others imagined. Castro's speech was but another attempt by the up-and-coming caudillo to humiliate those, like Matthews, who wanted only to help his cause—and thereby show who was really in control.

But DePalma leaves no doubt that Matthews was snookered by Castro. More than any other reporter, Matthews presented Fidel as a bona fide democrat. As time passed and it became clear that Castro had forged an alliance with the Stalinist Cuban Communist party, and from the start sought a military and political alliance with the USSR—an alliance eagerly sought by Castro and not the result of supposed American economic and political pressure—Matthews refused to reevaluate any of his initial impressions.

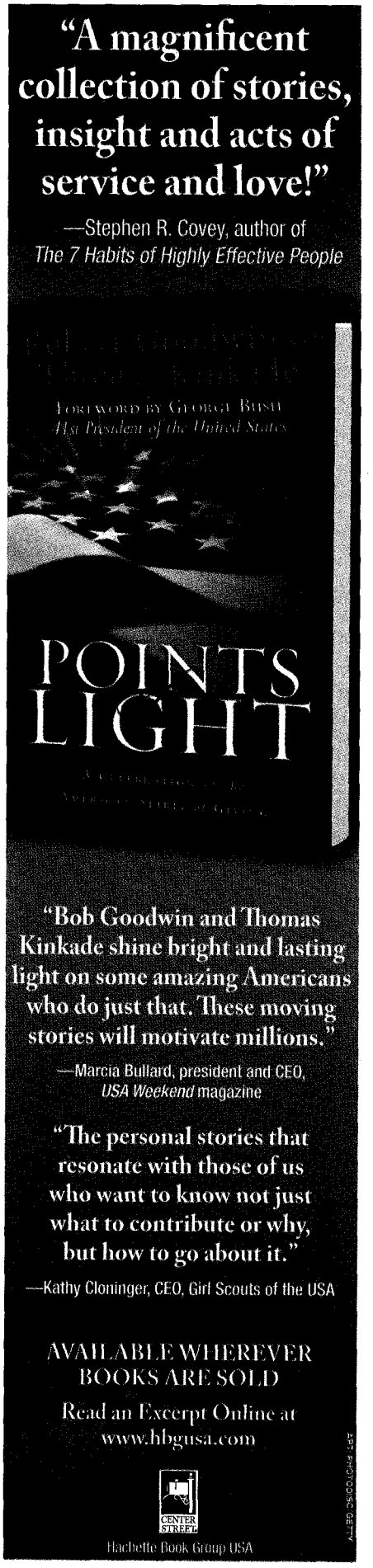
DePalma leaves no doubt that Matthews was snookered by Castro.

Matthews, DePalma writes, "exulted in Castro's triumph, for it could be said he had a hand in it." All pretenses to journalistic objectivity were gone. He had now "chosen the winning side in an ideological battle." For the rest of his life, Matthews remained true to his original mythical portrait of Castro as democrat, despite the vast amount of evidence to the contrary. He was pleased that he had helped bring down a "murderous regime"; the fact that Castro's new government had within Matthews's lifetime proven itself to be far more oppressive and violent than the Batista regime had ever been somehow evaded him. He remained uncritical of the regime's early mass public executions. Indeed, he wrote an editorial the paper did not print, in which he sought to explain the executions by putting them "into a revolutionary context," exactly in the manner Castro did in Cuba. This time, the publisher rejected Matthews's article, because—in DePalma's words—"it seemed to excuse Castro's bloody brand of justice and would make it look as if the *Times* endorsed the killings." The spike by Sulzberger would be only the first in a long list, as Matthews continued to submit articles that would end up rejected.

Matthews seemed oblivious to the growing number of Castro's early supporters and comrades who, upon finding out the truth about Castro's agenda for the island, broke ranks and went into prison or exile. He had been aided in his early reports by Castro's revolutionary editor, Carlos Franqui, a key player in the 26th of July movement, whose paper reprinted Matthews's interview with Castro and got it to the Cuban public's attention. Yet Matthews never inquired why people like Franqui left Castro's ranks, condemning him as a torturer, a dictator, and a man who instead of liberating Cuba had turned it into "one giant plantation."

For Matthews, Cuba was a new decade's Spain. Earlier, he and his Republicans had lost; now, in the twilight of his career, the forces of freedom had won over those of fascism. And he was on the right side. The truth, as DePalma notes, is that his blind spot was "never seeing how taking sides could slant his reporting." Matthews did not see what others easily spotted: the growing influence of Cuba's Communists in the revolutionary leadership. Matthews wrote in the *Times* that "there are no Communists in positions of control," and told the U.S. ambassador that all the Cuban revolutionaries—including Castro—were "intellectually and emotionally anti-Communist."

DePalma has produced a wise, nuanced, and important book, one that says a great deal not only about Herbert Matthews and his failings, but about the press and the way it covers world events. Matthews ended his life writing foolish books that sold poorly, and which—now that he was retired from the *Times*—people could easily ignore. His once-admired career ended in the production of apologias for Castro that were ever wider of the mark. His work was appreciated by Castro and his entourage: Che Guevara called Matthews a "cordial witness" to their revolution, a description Matthews cherished. As propaganda masters, Castro and Guevara welcomed the use to which Matthews's writings could be put. They saw him as a journalist who could help them in their grasp of power, a role Matthews willingly played. His life and work serve as an example aspiring journalists should learn from, and seek not to emulate. **NR**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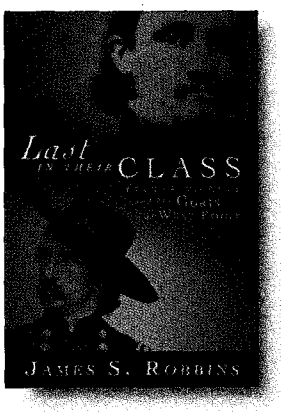
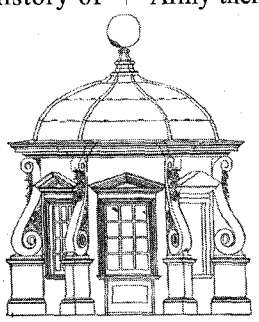


Last in Their Class: Custer, Pickett and the Goats of West Point,
by James S. Robbins
(Encounter, 500 pp., $26.95)

MACKUBIN THOMAS OWENS

As any regular reader of National Review Online can tell you, James S. Robbins is a very talented and prolific writer. His skill is very much in evidence in this fascinating new book—part thumbnail biography, part social history of the U.S. Army in the 19th century and the U.S. Military Academy at West Point during its formative years, and part treatise on the nature of military leadership.

At the very beginning, Robbins points out a seeming paradox. On one hand, West Point is an institution committed to excellence; its purpose is to imbue young officers with the qualities they will need to lead soldiers in combat and achieve victory. On the other hand, the graduate with the lowest class standing—the Goat—is held in the highest esteem by his classmates: "Graduating last at West Point is not a badge of shame but a mark of achievement."



Experience has provided a solution to the paradox, by showing that character traits many Goats have displayed—audacity, individualism, imagination, and the willingness to take risks—are frequently the ones necessary for success on the battlefield. "Nothing in one's academic record can predict heroism," Robbins points out. "Class rank is not a certain predictor of achievement." Sixteen members of the Class of 1847 became generals, but none of the class's "Star Men"—the top five cadets—made the cut. On the other hand, George Armstrong Custer, the Goat of 1861, became—at age 23, in 1863—the youngest general in U.S. history.

Robbins observes that at West Point "the term 'Goat' connotes many things—stubbornness, persistence, but also mischievousness and playfulness. The Goats were by and large charismatic, adventuresome, with a youthful bonhomie that generally made them very popular with their classmates." Accordingly, Robbins identifies two types of Goat. The first is in over his head intellectually and struggles with his studies, but perseveres to graduate. The second is the intelligent and talented cadet who prefers socializing and pranks to the vulgar practice of "boning" for exams. The latter sort prefers Benny Havens Tavern ("In the Army there's sobriety, promotion's very slow / So we'll sing our reminiscences of Benny Havens, oh!") to studying and spends much of his time in pursuit of alcohol, tobacco, and other forbidden goods.

West Point's Goats have a long history, and Robbins skillfully weaves the stories of his cast of characters from West Point to Mexico to the battlefields of the Civil War and the Indian wars of the American West. Consider the case of George Pickett, Goat of the Class of 1846. Pickett first distinguished himself during the battle of Churubusco on the outskirts of Mexico City. He was one of 18 officers who led the assault parties that stormed the citadel of Chapultepec; it was Pickett who planted the Stars and Stripes atop the fortress. Unlike many of his contemporaries, Pickett remained in the Army after the Mexican War, but he went with Virginia when she seceded. He became a division commander in Robert E. Lee's Army of Northern Virginia, and led the storied Confederate attack against the Union center on Cemetery Ridge on the last day of the battle of Gettysburg. After a tour overseeing the coastal defenses of southeastern Virginia and North Carolina, he returned to the Army of Northern Virginia in time to take part in the defense of Petersburg and the attempted breakout to Appomattox. Pickett was no Lee; but Lee would not have been as successful as he was without subordinates like Pickett.

Last in Their Class is full of things most readers won't know. For instance, Edgar Allan Poe was admitted to the West Point class of 1834. He did well in academics but, like many another cadet, preferred Benny Havens. "Old Ben," he said, is "the sole congenial soul in this God-forsaken place." In January 1831, Poe "placed 17th out of 87 Cadets in mathematics, and third in his class in French. . . . Poe might have looked forward to a successful stay at the Academy. Yet one month later, he was brought up

Mr. Owens is an associate dean of academics and a professor of national-security affairs at the Naval War College in Newport, R.I. He is writing a history of U.S. civil-military relations.

SONETTO

Jupiter, and a crescent moon,
And a blue that could not be
More blue without being black—
The color of mortality,
To me. The low moan
Of an owl calling for its mate,
And nothing calling back;
Just crickets ratcheting.
There's nothing I can do but sing
How much I miss my friend,
How achingly, how long . . .
But quietly: It's late,
A few stars glisten,
Jupiter, Venus . . . True,
It's not much of a song,
Croaked out into the evening wind,
But it *is* a song. It's what I do,
Should anyone care to listen.

—ROBERT MEZEY

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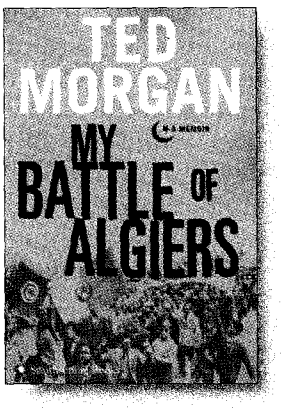
on multiple charges of 'gross neglect of all duty' and 'disobedience of orders.' Poe pled guilty to most of them, and was dismissed. He left West Point on February 19 and headed for New York with a terrible cold, no overcoat, and twelve cents in his pocket." The painter James Whistler was also a cadet. "Like Poe, Whistler developed a reputation as a prankster, an after-hours cook, and a daring soul who was always willing to 'run it' to Benny Havens." He failed chemistry. "If silicon had been a gas," he remarked later in life, "I would have been a Major General."

And who would have guessed that the cold and distant Jefferson Davis was a regular at Benny Havens, and was court-martialed as a cadet? "Davis, who was then 18 years old and had just completed his plebe year, defended himself with the skill of a natural legal mind." Nonetheless, his defense did not impress the court. "He was found guilty of all charges and specifications, and sentenced to be dismissed." The court added, however, that "in consideration of his former good conduct" his sentence should be remitted. Of the five cadets accused in this particular Benny Havens case, only Jefferson Davis graduated.

There are books one *needs* to read and there are books one *wants* to read. *Last in Their Class* is both. Robbins entertains us with humorous anecdotes and the riveting retelling of epic battles such as Gettysburg and Little Big Horn, but his book is edifying as well. Ultimately, "the stories of the Goats are not tales of failure but of redemption. . . . These were men who were last in their class academically but who persevered to live extraordinary lives of service and sacrifice." Robbins reminds us that leadership comes in many shapes and forms, and that attempts to establish a cookie-cutter approach to leadership are self-defeating. "When West Point gave up the Goats [in 1978], it surrendered a part of its soul and turned its back on its history. The drive to standardize, to seek an ideal form of predefined excellence, unvarying across large and diverse groups of people, is both harmful and wasteful."

So thank God for the cadets—who still know who the Goat is, and who lustily cheer him when his name is read; and thank God for the country that made the Goats, and still has a place for them. **NR**

Tortured Memories



My Battle of Algiers: A Memoir, by Ted Morgan (Collins, 304 pp., $24.95)

CHRISTOPHER LEVENICK

A GENTLE breeze off the Mediterranean helped cool Algiers on that sunny late-summer afternoon. It was 1956, and a pale, blond law student strolled along the chic Rue d'Isly. She stopped at the Milk Bar, entered, and ordered a sherbet. A few blocks away, her friend, a pretty brunette, sat in a café, chatting with her mother. Around 6:15, the women settled their bills and departed, leaving behind their beach bags. Fifteen minutes later, the bombs exploded. Ten bystanders were crippled, two were killed; the victims ranged in age from 13 to 20. The Battle of Algiers was entered, and the era of modern urban terrorism had begun.

Ted Morgan was in Algeria at the time, and records the war's unprecedented tactics in his poignant memoir, *My Battle of Algiers*. Born Sanche de Gramont—he adopted an anagram of his surname a few years before he became an American citizen—Morgan descends from a long and distinguished line of French nobility. At the age of 23, one year out of Yale, he received a conscription notice. He was living in Massachusetts, and avoiding military service would have been as easy as

Mr. Levenick is W. H. Brady Doctoral Fellow at the American Enterprise Institute.

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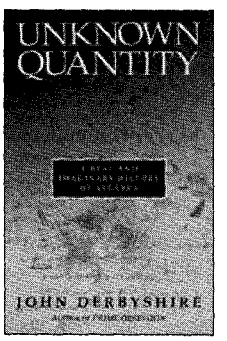

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staying stateside. But, feeling a debt of honor to the memory of his father, Morgan unenthusiastically reported for duty, a private in the French army.

By the time he arrived in northern Africa, Morgan had been promoted to lieutenant. He had sought an officer's commission in the hope of avoiding the increasingly unpopular conflict, but instead found himself ordered to the countryside, 50 miles southwest of Algiers, where a savage bush war raged. His unit, the First Regiment of the Colonial Infantry, consisted of misfits and castoffs, thoroughly undistinguished officers, battle-hardened sergeants, and cheerful Senegalese soldiers. On the foothills and in the forests, Morgan and his men battled the merciless guerrillas of the Algerian *Front de Libération Nationale* (FLN).

While on leave in Algiers, Morgan called on a family friend at the American consulate. There he was introduced to Gen. Jacques Massu, commander of the elite 10th Paratroop Division. Paris had just granted Massu carte blanche to bring to an end the FLN's ongoing city-wide terrorist campaign. Propaganda would be a crucial element of Massu's strategy, and something about the young lieutenant impressed the general. On the spot, Massu reassigned Morgan to a highly sensitive agitprop unit. Morgan would spend the remainder of his service at the army's secretly run pro-French, Arab-audience newspaper. Morgan was out of uniform but in the know.

The year 1957 saw the French wage a ruthless urban counterinsurgency campaign in Algiers. Massu cordoned off the Casbah—where 80,000 Arabs lived on 45 densely packed acres—and blanketed its streets with regular military patrols. Soldiers set up checkpoints throughout the city, severely curtailing the Algerians' freedom of movement. Men were routinely picked up without cause and held without trial. Strikes were put down at gunpoint.

The linchpin of Massu's strategy, however, was the systematic and unapologetic use of torture. The policy was intended neither as a form of retribution nor an exercise in sadism, but rather as a utilitarian measure, limited to interrogations and directed toward gathering intelligence. The paratroopers were clinical and pitiless. It became widely known that detained suspects, including a number of native-born French citizens, would be subjected to beatings, waterboarding, electrocution, and, on occasion, summary execution.

Morgan was privy to much of this information at the time, and has since supplemented his firsthand knowledge with careful historical investigation. His book relates the unfolding battle in generous (if, alas, unsourced) detail. *My Battle of Algiers* is a well-wrought introductory survey of not only the battle itself, but of the entire eight-year Algerian War.

But it is as a memoir that the book really sings. Morgan has a novelist's touch, and uses it to great effect. He manages to capture the feeling of the place, not just its sights and sounds and smells, but its peculiar susceptibility to absolutism, its incandescent hatreds, as pure and undiluted as its impossibly bright sunlight. Morgan gradually draws the reader into his tragic realization that peaceful compromise was rendered impossible by the steady liquidation of men of good will.

Yet Morgan intends the book to be more than a memoir. "The Battle of Algiers," he writes, offers "a miniature model for the Battle of Baghdad." The analogy leaves much to be desired, as Morgan admits. Iraq is far removed from the United States, geographically and psychologically, and has never been home to millions of American *colons*. The Algerian War was basically binary, pitting Arabs against Frenchmen; the Iraqi War involves Americans, Shiites, Sunnis, Kurds, and various foreign interlopers. Though the FLN made profligate use of terrorist bombs, it never conceived of using suicide bombers, and though the French had tanks and helicopters at their disposal, they relied almost exclusively on small arms. But, such differences notwithstanding, Morgan maintains that America can learn two invaluable lessons from the French experience in Algeria.

The first is simple. The dirty secret of torture is that it works. In today's debates, one often hears that torture is ineffective, since a man under duress will say anything to end his suffering. France's counterinsurgency efforts in Algiers, however, belie that facile proposition. Interrogations in Algiers routinely involved the patient, methodical use of torture, and led directly to the dismantling of the FLN's urban-terror networks. Such methods overcame the numerical insufficiency of the government's security forces, and decisively contributed to French victory in the campaign for the city.

The second lesson is equally straightforward. However effective torture may be, recourse to it must be resisted at all costs. The act of torture invariably "dehumanizes the victim and corrupts the tormentor." Throughout his reflections, Morgan seems more preoccupied with the latter half of that formulation. Perhaps this results from his feeling that he himself was profoundly morally compromised by the war. Morgan describes how, enraged over the death of a friend, he beat a captured guerrilla to death. Ever since, he admits, he has lived with an "inner disfigurement."

It is possible to agree with Morgan's conclusion without conceding his rationale. He is surely right that, though torture may be effective, it remains deeply immoral. But Morgan errs in locating the immorality of torture primarily in the psychological health of the torturer. Indeed, it is not uncommon to learn that such men are capable of living out the rest of their lives without any sense of guilt for their actions. It remains a basic truth of human nature that a uniform is all that many men need to dissociate themselves from the evil they commit.

The case against torture is far stronger when it focuses on its victims, both individually and collectively. The idea that torture offends the fundamental dignity of the individual human person is, one hopes, sufficiently common to preclude the necessity of its repetition. Less often considered, however, is the corrosive effect of torture on nations. A torture regime creates deep enmity toward the state, both within and without. It invites retaliation, as Algerian terrorists in Paris repeatedly demonstrated. And it splinters the body politic, setting in tension a people's love of country with their love of justice.

More important, a nation that resorts to an open policy of torture relinquishes its claim to decency. No country that institutionalizes the practice may be counted among the civilized nations. Two died and ten were wounded on that sunny late-summer afternoon in Algiers. But the day's real casualties, as Ted Morgan movingly shows, were the peace of Algeria and the honor of France. **NR**

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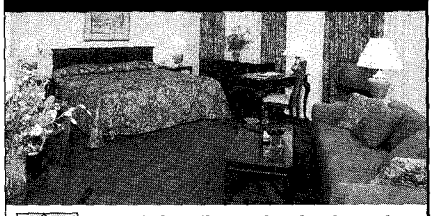

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WILLIAM F. BUCKLEY JR.

Immigration: The ABC's

NEW YORK, MAY 16

HERE is an attempt to sort out interests in the immigration morass.

1. President Bush aspires to make headway on matters that appeal to his conservative constituency. Beginning on the cultural front, he wants Mexicans who cross the border intending to live here to seek integration by learning English. The prospects of success here are poor for first-generation immigrants. Not only will they arrive speaking only Spanish, they will gravitate to centers where others who speak only Spanish are concentrated. The second generation will evolve towards speaking English but only if educated in single-language schools. Only the third generation will be fluent in English. All of which means that not much political satisfaction can be got in the short term by stressing this goal.

2. An effort to fortify the border between the U.S. and Mexico is required, but its importance will be symbolic. Bush's proposal to assign 6,000 National Guardsmen to the scene is done on the understanding that their assignment will be administrative in nature. In so limiting their duties the government would guard against violating the traditional missions of armed agents. Those in armies fight wars. Those in constabularies apprehend lawbreakers.

Here too, the prospect of significant success is slight. The border is too long, the osmotic processes by which it is penetrated are too varied to oversee except by the kind of Bolshevik exercises used by East Germany before 1989. These aren't enterprises the U.S. would engage in. The running talk of deportation is genially self-betraying. Getting a Mexican illegal back across the border means only that he has to do it again. An illegal caught in Texas is not prosecuted in Texas, and when he is released in Nuevo Laredo, he is not prosecuted there. The deterrent factor against renewed efforts to come in is pretty well vitiated.

3. American employers who are looking for cheap labor are similarly immune, de facto, from prosecution. There is legislation in the air, backed by conservatives who are hard on the illegal-immigration question. Such legislation would fine lawbreaking U.S. employers, but there is such equivocation in the matter it's unlikely that breaking the law against hiring illegals would become a crime routinely prosecuted on a par, say, with failing to pay your taxes.

4. On the matter of how to deal with illegals who are already here, it is wise to begin by acknowledging the macrocosmic scale of the problem. We are talking about what to do with 11 million people, living and working in 50 states. It is not easy to devise a plan to send them each a postcard, let alone a legal summons. It is predictable that the usual agencies of compassion and anarchy would do their best to make a case for shielding a particular illegal from duress, for this reason and that one. President Bush wisely suggests that identification of some distinctive kind should be attempted. It is by no means certain that this could be comprehensively done in the remaining years in which he serves as president; after which, the enterprise would probably lose what little steam it had had on Day One, which isn't immediately or even predictably ahead of us.

5. The political question is complicated. You have the White House, the Senate, and the House all dominated by GOP politicians. They are united on a single point, which is that "something" should be done about illegal immigrants. Not amnesty. And—to repeat—not nothing. Something. It must be something approved of by the House, and by the Senate, and by the president. And it must pass contingent muster by the Supreme Court.

Our sin was to have let it happen, and that delinquency traces back to presidents and congressmen over the past 30 years. How to expiate that, outside the confessional?

Just What Did You *Mean*?

NEW YORK, MAY 19

SOMETIMES the outcome of a trial will depend on the context in which a single word is spoken. "Go get Arnold," Al Capone instructed a subordinate. What exactly did he mean by that? Meet Arnold's train? Or—put a bullet in Arnold's brain, as indeed happened. In some circumstances the case hangs on the meaning of a word as intended by the person who uttered it, and that question has tied down a jury in a courtroom in New York, with fascinating implications. What did the defendant mean when he used the N-word about the victim?

The victim is a 22-year old black man whose skull was fractured by the defendant, who avers that his use of the N-word was not invidious. It seems odd that the point is as important as it apparently is. One would think that smashing someone's head with a baseball bat is good evidence of acrimony. The defendant says he was defending himself against a robbery attempt, and that the use of the N-word carried not a trace of ill feeling.

The judge is spending considerable time on the question. If the defendant is convicted on all counts and the finding is that he was moved by racial hatred, he could face up to 25 years in jail. If the word was used as pure idiomatic description—as one might say, "He was driving a Ford"—the exposure is greatly reduced. Defendant's mother insists that the use of the word carried no racial or ethnic overtones whatever. "Every kid in the neighborhood uses it. It doesn't mean the same thing any more. They all say it all day long no matter what race." A reporter on the scene generalized that the defense believes that "the N-word" is used "as a matter of course and that the word no longer carries the racially charged overtones it has historically." Evidence put forward is rap music and conversation, especially among young people. It is not irrelevant that although explications of this sort were argued back and forth, no one in the court actually *uttered* the word.

The matter was quite properly examined directly with prospective members

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of the jury. One potential juror, asked what he thought about the use of the word, replied, "It depends on who's saying it and how it's been used." That definition qualifies that man for service with Webster's Usage panel. The prosecutor, Michelle Goldstein, would have none of it, the idea that the word had become innocent. It's not like using the word "sweetheart," she said, which means one thing when used by one's fiancé, something very different if spoken by a stranger to a woman on the street.

We can't know whether the defendant intended obloquy. If the jurors regularly view *The Sopranos*, they might assume that no word in the English language is inherently offensive, with maybe the exception of stool pigeon. It is, however, arresting to weigh the consequences, under the law, of a word—this word—carelessly used.

Some years ago I was a defendant in a lawsuit brought by a creepy fascistic outfit (now out of business), and the question before the jury was whether I and the magazine I edited were racist. The attorney had one weapon to use in making his point, namely that we had published an editorial about Adam Clayton Powell Jr. when he made a terminally wrong move in his defense against federal prosecutors. The editorial was titled, "The Jig Is Up for Adam Clayton Powell Jr.?" On the witness stand I argued that the word "jig" could be used other than as animadversion. The feverish lawyer grabbed a book from his table and slammed it down on the arm of my chair. "Have you ever heard of a dictionary?" he asked scornfully, as if he had put the smoking gun in my lap. I examined the *American Heritage College Dictionary* and said yes, I was familiar with it. "In fact," I was able to say, opening the book, "I wrote the introduction to this edition." That was the high moment of my forensic life. And, of course, the dictionary establishes that the word "jig" can be used harmlessly.

So can the N-word, though there is a presumed linkage between how the defendant intended the word to be understood, and the fact that he smashed a baseball bat on the head of his interlocutor moments later.

Well, the verdict here, and the judge's ruling on it, will be one sweetheart of an exploration of what one can safely do these days in the language.

Illegals' Class Interest

NEW YORK, MAY 23

VICTOR DAVIS HANSON of the Hoover Institution is the author of *Mexifornia: A State of Becoming*, and he writes in a recent issue of NATIONAL REVIEW to make points not often heard in the immigration debate. There are class divisions here. Affluent Americans, who tend to be hospitable to the amnesty/open-borders argument, are unseeing about other matters.

Hanson cites various places in California as examples of towns located in America, but whose ethos and day-to-day experiences are Mexican. Parlier, Malaga, and such-like towns are "de facto apartheid communities," he writes, where illegal aliens commute to their jobs in construction, landscaping, and service industries in the affluent neighborhoods nearby. "Most who are served have never set foot in the poor towns of their help a few miles away, and have little interest in whether English is spoken or municipal coffers are perennially empty."

There are two directions to go in classmobile America. Stasis—what greeted post–Civil War blacks for a hundred years. Otherwise there is the upward mobility that has lifted wave after wave of immigrants. Here today we have a Hispanic population that sends nearly half its earnings home to desperately poor relatives. These remittances have the effect of postponing the capitalization that makes possible better housing, better education, and moves to places where work opportunities are greater.

Several questions of vital interest need to be pondered. When will the liberal interventionists looking about for a new class to sponsor ring in with affirmative action for Mexican illegals? Whip up the kind of concern shown for blacks in the past 50 years? Granted there is the emotional factor, here missing. The great effort made to help American blacks was fueled by the historical indebtedness felt for a people who had been uprooted from another continent and brought here to serve as slaves in the land of the free.

The Mexican illegal has no properly formulated brief against the America he entered athwart American laws. He might curse his relative burden: He came into a land where they speak another language. That disadvantage translates into lower-paying jobs requiring only manual skills, and his immobility stems from the need to send money home for relatives to eke out life in a country straitened by the impositions of left-welfarism.

The May Day exercise was greatly revealing. In the first round, most of the hand-held flags were Mexican. Quick sophistication turned many flags into Stars and Stripes for the second round. But the chants were mostly in Spanish, and what they demanded was of course amnesty and citizenship.

Coinciding with this ambivalence—the proud Mexican who was hungry and restive in his homeland—is a sudden release in economic pressure back home, brought on by the oil boom. This has repristinated the ancient glamour of state socialism, most conspicuously in Venezuela and Bolivia. There is a left tide in Latin American politics, and it is determinedly anti-American. The easy explanation for why young men have to leave Mexico in order to work isn't that Mexico was stagnant, moribund in bureaucracy and state spending. An alternative explanation is more friendly to nationalist self-esteem. What was wrong was the corruption of the socialist spirit, now reborn and wafted aloft by $40 oil!

The 11 million illegals will continue to swell in number, and widespread assimilation won't begin, until the border effectively closes. An argument can be made that this can't happen, that the porosity of the 2,000-mile stretch is now almost geologically ordained. Or is this now the accepted challenge? The moon-landing ambition for 2006: closing the border?

Even if that succeeds, we are left with the illegals we have. Uprooting them would prove as wrenching as the uprooting of the blacks from Africa 300 years ago. Will the class of Americans who are directly affected by the alien company insist on deportation? Or will they settle for sealing the border?

—UNIVERSAL PRESS SYNDICATE

"I was married once, but I got off on a technicality."

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happy warrior

MARK STEYN

'Bush Lied! People Applied!'

In his address to the nation, President Bush said that the 15 million illegal aliens he's planning to pardon "will have to wait in line behind those who played by the rules and followed the law."

But here's the thing: There is no line.

As John Derbyshire has pointed out, there are already 79 different visas offered by U.S. immigration, including 20 guest-worker programs. So take the president and the Senate at their word on the overwhelming need for a 21st program. That makes 80 different types of immigration status. Throw in American citizenship and there are 81 categories of legal person in the United States.

Suppose you go to a USCIS (as it's now called) office and there are 81 officials behind 81 wickets, and you're there because you're applying for a Work Authorization Permit Type 73. The receptionist doesn't say, "Ah, yes, Permit 73. That's Clerk 73. Go and stand in Line 73. There's 15 people ahead of you but she should get to you before the end of the day." That's not how it works. Instead, those 81 people are working on whatever they're told the priority is. Sometimes 60 of them will be working on green cards and 21 will be working on citizenship applications. Then they get the word from high up that there's an urgent need to process incoming citizens, so the 60 of them drop the green-card pile and scoot over to waving in new Americans—as they did in 1996, when the Clinton administration mysteriously decided it wanted a whole bunch of additional voters in place before November.

What do you think the priority will be when 15 million illegal aliens requiring adjustment of status are plunked into the waiting room? My wife had her green card stolen the other day and called 1-800-BUREAUCRATIC-HELL to find out what she had to do to get a new one. She couldn't get through to anyone who could assist her, but in the course of two or three hours on hold she had plenty of opportunities to hear the outgoing message about how, if Congress passes the guest-worker program, USCIS are looking forward to helping persons interested in applying for this "benefit," as they put it.

In other words, once these millions are dropped into the system, the Belgian or Botswanan wife of a U.S. citizen "who played by the rules and followed the law" will find that Clerk 73 who's been

She'd never get in.

working on her case for the last half-decade has now been shunted over to process the 15 million Jobs-Americans-Won't-Do permits, and spousal applications are being dealt with by just one part-time official between 4:15 and 4:35 P.M. every second Tuesday.

It goes without saying that this is cruel and unusual punishment. If I were at MoveOn.org, I'd be printing up placards reading "BUSH LIED!! PEOPLE APPLIED!!!" Instead, let me just note that all the platitudes deployed by proponents of this wretched bill are utterly false:

"Family values don't stop at the Rio Grande." True. Instead, they stop at U.S. Citizenship and Immigration Services, where any American who makes the mistake of falling in love with a foreigner has his marriage treated like a corporate-fraud case in which the object is to get one partner to turn state's evidence.

"We're a nation of immigrants"? Not really. If we were, George Washington's green card would have come through just in time for the Civil War. But, allowing that America once was, it's not clear to me it is any longer. I've mentioned before the first signs of "white flight" from the fast-Islamifying Europe—the Dutch emigrants leaving the Netherlands for Canada, Australia, and New Zealand. A couple of Americans wrote to say, "Hey, why aren't we getting any of this Dutch talent?" and I wrote back along the lines of: Are you kidding? If you've decided life in Amsterdam is miserable and you need to get out, the last place you're going to apply is the U.S. embassy, where they'll say, "Take a number, and we may get to you by 2013."

That's the other phony-baloney term floating around: "open borders." I wish. Given that the United States has no problem legalizing millions of felons, I don't see why we don't just scrap the 79 visas entirely and say, Unless you're in the Interpol computer for a series of unsolved prostitute murders in Dubrovnik or some such, come on in. I'd quite like to bring over a Mary Poppins type for my kids and, to be honest, given the contempt the Senate and the president and various state agencies have shown for U.S. immigration law, why shouldn't I be allowed just to fly her straight in? But no, that will still take a decade of bureaucratic torpor to process. You'd almost think the so-called "comprehensive" reform was explicitly designed to deny America the best of the world's immigration pool and give a de facto monopoly of access to an army of unskilled sub-minimum-wage labor.

Let's take that last platitude: "the jobs Americans won't do." If that's true, why not address why they won't do 'em? The U.S. education system would not seem, to the casual observer, to be turning out millions of obviously overqualified alumni. In Europe, they're on the brink of the abyss because immigration was an easy short-term salve for their structural defects. Why would America embrace the same strategy? **NR**

BETTIA ARCHIVES/DIGITAL PRESS PHOTOS

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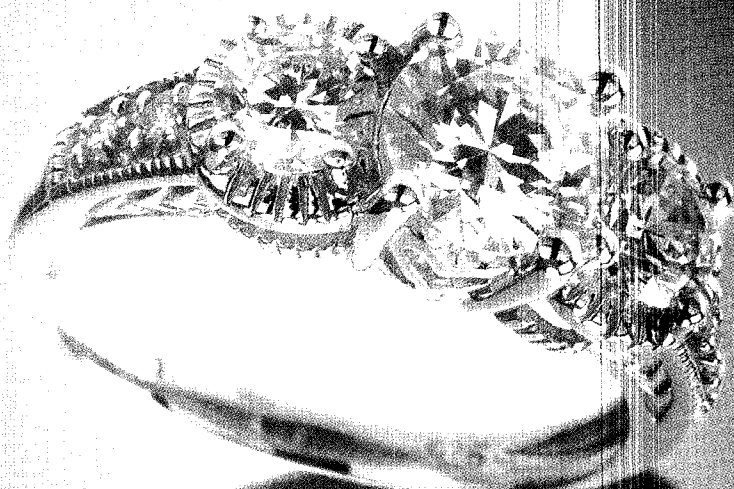

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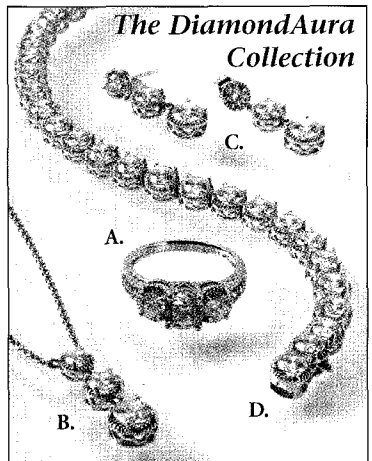

Color– Similar to a D Colored Diamond
Clarity– Rivals a Flawless Gem
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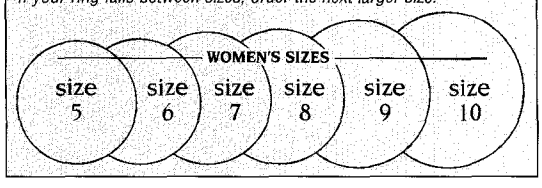

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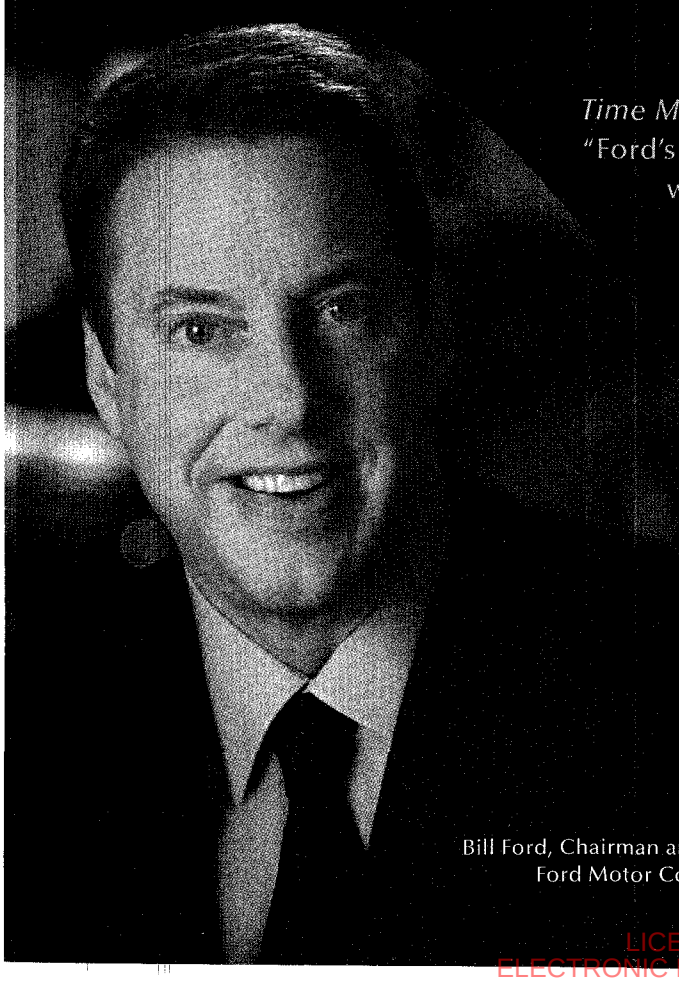

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